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No. 67

## House of Representatives

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. DAN MILLER of Florida).

### DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,

May 22, 2002.

I hereby appoint the Honorable DAN MILLER to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,

*Speaker of the House of Representatives.*

### PRAYER

Father Val J. Peter, Executive Director, Girls and Boys Town, Boys Town, Nebraska offered the following prayer:

Dear Lord, we come before You on this beautiful morning to ask Your blessing on the House this day. Give light, wisdom, and humility to all Representatives in their work today. May they seek what is best for our people. May they search for what will bring goodness to our world.

Let each this day do one blessed thing for another person. Let each this day ask pardon from another person.

Bless also all of those who are in the service of our beloved country. Keep them safe. Keep them faithful to You and their loved ones.

Finally, Lord, bless all of our children, especially those who are hurt and suffering. Send people to put joy and happiness into their hearts. We ask this in Your name. Amen.

### THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. McNULTY. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER pro tempore. The question is on the Speaker's approval of the Journal.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. McNULTY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8, rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

### PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Nebraska (Mr. TERRY) come forward and lead the House in the Pledge of Allegiance.

Mr. TERRY led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed a concurrent resolution of the following title in which the concurrence of the House is requested:

S. Con. Res. 115. Concurrent resolution expressing the sense of the Congress that all workers deserve air treatment and safe working conditions, and honoring Dolores Huerta for her commitment to the improvement of working conditions for children, women, and farm worker families.

### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will recognize the gentleman from Nebraska (Mr. TERRY) for 1 minute and then will recognize up to 10 Members from each side of the aisle for 1 minute.

### EXTENDING A WARM WELCOME TO FATHER VAL J. PETER

(Mr. TERRY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TERRY. Mr. Speaker, I have the honor of extending a warm welcome to Father Val J. Peter, our guest chaplain in the House of Representatives today. I also want to thank him for his thoughtful and inspiring prayer.

Father Peter is a native Nebraskan, a Diocesan priest within the Archdiocese of Omaha, and the executive director for Girls and Boys Town USA. He is also one of the foremost advocates for youth in the world and a true friend, effective educator, and caring, surrogate father to thousands of troubled youth and teenagers.

Father Peter oversees Boys Town programs stretching from coast to coast. Last year alone, Father Peter and the Boys Town staff helped brighten the future for more than 37,000 troubled, neglected, and abused children. Father Peter has earned the gratitude of thousands of children and families with his unconditional love, boundless optimism, and unwavering devotion to God.

Mr. Speaker, I know I speak for my colleagues when I say that we are pleased and honored to have Father Val Peter here with us today.

### RESTORING MEMORIAL DAY

(Mr. GIBBONS asked and was given permission to address the House for 1

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.



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minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, over the years the true meaning of Memorial Day has faded from the public consciousness. Memorial Day began after the Civil War as a solemn day of mourning, remembrance, and honor to our departed loved ones. But today, Memorial Day seems to be more about planning a 3-day weekend than remembering our fallen heroes. As a veteran of two wars, I know all too well that Memorial Day is much more than a 3-day weekend or the beginning of a summer sale.

Veteran's Day, a day set aside to honor all veterans, living and dead, is celebrated on November 11, regardless of which day of the week it falls on. The same should be true for Memorial Day.

Mr. Speaker, this week I am introducing legislation restoring Memorial Day to its actual day, May 30. We owe our loved ones and friends who died in service to their country a restored Memorial Day.

#### JOIN THE PICTURE THEM HOME CAMPAIGN

(Mr. LAMPSON asked and was given permission to address the House for 1 minute.)

Mr. LAMPSON. Mr. Speaker, I will again digress this morning from my stories of Ludwig Koonz, but not our effort to return him to the United States from Italy.

As chairman of the Congressional Caucus on Missing and Exploited Children, I would ask that as we approach this Memorial Day that we not only pay honor to those who have given their lives to our country, but to the tens of thousands of innocent children who are still missing from their loved ones in this country. We maintain hope that the children will come home and that they will come home not only with the help of law enforcement, but with the help of the American people.

A few years back, National Center for Missing and Exploited Children instituted the Picture Them Home campaign to be observed during the month of May. I have asked my colleagues on a number of occasions to place pictures of missing children on their franked envelopes, which is allowed under the franking guidelines, and many of them have chosen to do so. This morning I ask that everyone here join me in supporting this effort and help us Picture Them Home.

Participating in this campaign only takes a few minutes of your time. First, pledge to take the time to really look at the pictures of the missing children that you see. These may be pictures on bulletin boards in your local Wal-Mart, or they may be the "Have You Seen Me?" cards that are sent out by ADVO. Second, if you are a parent, make sure that you maintain current, high-quality pictures of your children for use in case of an emergency.

Mr. Speaker, we know that pictures work. All you have to do is look.

#### NURSING SHORTAGE PLAGUING U.S.

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROS-LEHTINEN. Mr. Speaker, health care experts are worried that a national nursing shortage could become widespread later in the decade, just as the aging U.S. population requires more care. Educational institutes, hospitals and Congress are working feverishly to fill this global shortage, because it is nurses who impact the lives of people in times of health, illness, pain, stress, and even death.

Nurses' talents, long hours and many sacrifices should be recognized. One of the ways in which Baptist Health South Florida appreciated nurses is by having recently hosted "Shadow a Nurse Day."

Baptist Hospital, South Miami Hospital, Homestead Hospital, Mariners Hospital, and Baptist Outpatient Services were the health care sites which participated in this event.

By helping the population to gain a greater understanding of the issues facing nurses today, these health care sites perhaps contributed to helping relieve the existing nursing shortage plaguing our Nation.

Mr. Speaker, I congratulate Baptist Health South Florida for its commitment to the future of nursing.

#### END THE TRADE EMBARGO ON CUBA

(Ms. MCCOLLUM asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. MCCOLLUM. Mr. Speaker, 90 miles from America's shore is the island of Cuba, but what really separates the people of Cuba and the American people is the U.S. Government's hypocritical trade embargo restated this week by President Bush.

This failed policy towards Cuba empowers Fidel Castro, denies American businesses the freedom to trade, and prohibits the American people the freedom to travel.

Around the world, the United States has used economic engagement to promote political reform, democratic values and human rights. With Cuba, our government does the opposite. We punish the Cuban people with a trade embargo.

For a free and open Cuba, let us free American businesses to trade with Cuba, free America's farmers to sell to Cuba, and free the American people to travel to Cuba. The trade embargo has failed. The spirit of the American people and the power of our economy can achieve the freedoms we all desire for the Cuban people.

#### STATE DEPARTMENT RELEASES TRAFFICKING IN PERSONS REPORT

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, in the coming weeks, the State Department will be releasing its annual "Trafficking in Persons report." This report will highlight the very serious problem of international sex trafficking and forced prostitution around the world in the countries that tolerate it.

Still, some of the worst offenders such as India and Thailand have made no progress in combating this sex trafficking. Worse, it is on the rise.

In India, over 2.3 million girls and women are believed to be working in the sex industry against their will. Yet there are no known convictions for sex trafficking.

In Thailand, we are up to 1 million trafficking victims. Approximately 100,000 are children, boys and girls; yet there are no known convictions for sex trafficking.

Mr. Speaker, this is unacceptable.

Mr. Speaker, the complicity and tolerance of sex trafficking must stop. The State Department must not grant passing grades to these countries in its report until they show real improvement and begin to protect women and children in their country.

#### AMENDMENT ALLOWS DEFENSE DEPARTMENT FREE HAND FOR ENVIRONMENTAL DAMAGE

(Mr. BLUMENAUER asked and was given permission to address the House for 1 minute.)

Mr. BLUMENAUER. Mr. Speaker, during my tenure in Congress, I have worked hard for the Federal Government to be a better partner to promote the liveability of our communities by walking the walk, by acting the way that we are asking the rest of America to behave. Yet, here today, we are going to be asking in the supplemental to exempt the Defense Department, the largest manager of infrastructure in the world, from being a good environmental citizen.

This bill contains an amendment that would relieve the Department of Defense from its responsibility for dealing with water consumption that occurs outside the control of the Secretary of Defense that is a direct result of the military installation. In particular, this is focused on the San Pedro River in Arizona, one of the richest biological reserves in all of North America. It has over 82 species of mammals, 385 species of birds, and was designated by this Congress as a National Riparian Conservation Area in 1988.

But as a result of this amendment, snuck in without debate by the substantive committee, that will not be substantively argued on this floor, we are going to basically give them a free

hand to damage the environment. It is wrong.

#### CONGRATULATIONS TO DANNY BROWN, THE 2002 KANSAS PRINCIPAL OF THE YEAR

(Mr. RYUN of Kansas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RYUN of Kansas. Mr. Speaker, I rise today to congratulate the 2002 Kansas Principal of the Year, Danny Brown. Mr. BROWN currently serves at the Fort Scott High School in Fort Scott, Kansas. For almost 3 decades Danny Brown has demonstrated outstanding educational leadership and has humbly served his community and students.

In a letter recommending Brown for the honor, an associate wrote: "Danny's contributions to this community, to the school district and, most of all, to the students are immeasurable."

I, for one, am heartened to hear stories of educators like Danny Brown who live a life dedicated to serving their communities and helping students reach their dreams.

As Oswald Spengler once said, "The influence of a genuine educator lies in what he is rather than what he says."

I am pleased that Mr. BROWN is being properly recognized for his exceptional performance and character, and I want to add my congratulations to this outstanding educator.

#### NATIONAL COMMUNITY ROLE MODELS WEEK

(Mr. KNOLLENBERG asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KNOLLENBERG. Mr. Speaker, children need role models in their communities to help guide them through the many challenges that they face. Although we often hear inspiring stories about famous individuals, we seldom publicly recognize exceptional local people with whom children can more readily relate.

The Michigan-based R.A.R.E. foundation has established a program to recognize outstanding community residents and teach children about their work ethic, their values, and their accomplishments. The foundation helps children develop a sense of purpose and hope for the future by providing inspirational examples of ordinary people with traditional jobs who make extraordinary contributions.

□ 1015

I will introduce legislation today that encourages communities to adopt similar programs and support the goals and ideals of a national community role models week. Establishing an annual week for identifying role models in our local communities would remind us how each individual, no matter his or her profession, plays a vital role in the progress of this Nation.

#### JUST SAY NO TO SOCIAL SECURITY PRIVATIZATION

(Mr. GREEN of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GREEN of Texas. Mr. Speaker, all we need to do is just say no to privatization of Social Security. When it comes to reforming Social Security, our Republican majority thinks they can fool the American people. They think that if they avoid the words like "privatization" that they will be able to mask the true nature of their Social Security reform proposal.

In Texas we have a saying, "You can put lipstick and earrings on a hog and call it Monique, but it's still a pig." No matter how much our Republican friends want to dress up their proposal to disguise its details, it is still privatization.

Privatization schemes, let us just be honest and call them what they are, would cut benefits, increase administrative costs and place the financial health of the Social Security program in jeopardy, but suddenly, in an election year, my colleagues changed their tune. They will do anything, say anything, to hide their true agenda. This is a cynical ploy, and the American people will see through it.

Let us call privatization what it is, and a pig, a pig.

#### DEMOCRATIC PRESCRIPTION FOR SENIORS

(Mr. SAM JOHNSON of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SAM JOHNSON of Texas. Mr. Speaker, I rise today in support of seniors who want prescription drug coverage, today, tomorrow and always, and against those who do not.

Earlier this month, Congress Daily noted that a Senate Democrat prescription drug bill would sunset in 2010. That is right, the bill would just stop in 2010. Sorry, seniors, no more drugs for them after 2010. That is plain wrong. First, Democrats block permanent tax relief. Now they want to block prescription drug coverage.

Well, seniors better start saving, so when their benefits end, they will have money to buy their drugs. Hold on, just think about this. That is impossible, because the same Democrats refused to permanently extend tax relief so people can save some of their own money or even empower seniors to save their own money in a medical savings account.

Well, two-thirds of seniors have prescription drug coverage. The one-third going without are my top concern. Our Republican plan will help, and help them for life.

#### RAISING THE DEBT LIMIT

(Ms. DELAURO asked and was given permission to address the House for 1

minute and to revise and extend her remarks.)

Ms. DELAURO. Mr. Speaker, I would just like to remind my colleague on the other side of the aisle who just spoke that the Republican prescription drug plan would do nothing about bringing down the cost of prescription drugs, which is what is killing Americans, all Americans, and their plan would cover 6 percent of seniors instead of 90 percent of seniors who would like to have that kind of coverage.

However, today, the House is going to vote on a very dangerous and cynical provision that allows the Federal Government to break its own spending limit, takes hundreds of billions of dollars from the Social Security trust fund. What they would like to do is hide this plan from the American people and what they want to do is to hide this debate today without leveling with the public, and what will happen is their plan is to take the Nation back into the deficit, raid Social Security.

We oppose this plan. We support a responsible budget. What we need to be trying to do is to make investments in national security, protect Social Security and Medicare, do something about prescription drugs and the cost of those drugs in the United States today.

It is time for the House Republicans to be straightforward with the American people. We need a responsible, honest, bipartisan budget. We need to protect and strengthen Social Security and shore up the prescription drug benefit, meet our obligations today so that our kids are not saddled with debt.

#### PRaising THE EFFORTS OF NUCOR CORPORATION

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, I rise today to thank Nucor Corporation, our Nation's largest steel producer, for their investment in South Carolina and their commitment to our economy, our families and our environment.

Nucor's commitment to South Carolina's economy is demonstrated by its 4 statewide facilities professionally managed by Mike Gurley of Darlington, Ladd Hall of Berkeley, Lynn Strock of Florence and Jeff Carmean of Swansea. These facilities have produced more than \$1 billion in total sales and have contributed more than \$1 billion in total investment back into the State's economy.

Nucor has touched the lives of families across the Palmetto State by employing 1,800 skilled and dedicated South Carolinians and by contributing over \$300,000 in education scholarships last year.

A leader in environmental stewardship, Nucor is the largest recycler in America, and through efficient fuel consumption, Nucor saves enough energy annually to power the city of Los Angeles for 8 years.

Mr. Speaker, I commend Nucor for their wise investment in South Carolina's economy, families and environment.

#### SUPPLEMENTAL APPROPRIATIONS LEGISLATION

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, as I recollect the pronouncements being made by this House just a year ago, Republicans said that we will not, this House will not raid Social Security and Medicare, from the very highest levels of their leadership. Interestingly, today, we come with a back room supplemental appropriations bill that raises the debt limit so that we can, in fact, raid Medicare and Social Security.

This is legislation that we should not support. Social Security is the very underpinnings of security for hard-working Americans. Medicare provides health care for hard-working Americans who have reached retirement. Here we are today passing a bill or attempting to pass a bill that will raise the debt limit, a very dangerous and cynical provision that allows the Federal Government to break its own spending limit, therefore undermining again the trust of the American people, believing that Social Security should be there for all who work hard.

We need a more responsible and honest and bipartisan budget. We need to protect and strengthen Social Security. We need to protect and save Medicare. We need to vote no on this rule and we need to vote no on this supplemental if, of course, it proposes an increase in the debt limit.

#### VETERANS NATIONAL CEMETERY IN NORTH FLORIDA

(Mr. STEARNS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STEARNS. Mr. Speaker, I am glad to hear the Veterans Administration cemetery expansion is a top priority for the President next year. Florida has our Nation's second largest veterans' population in the United States and one of its oldest. In fact, it is number one.

Nearly 325,000 veterans call home somewhere in the Jacksonville City vicinity, and this is the location of 3 congressional districts, mine, the gentleman from Florida (Ms. BROWN) and the gentleman from Florida (Mr. CRENSHAW), as well as in nearby southern Georgia. Yet the closest VA cemetery is at least a 3-hour drive from Jacksonville. The next closest in proximity lies in Marietta, Georgia, which is just north of Atlanta.

A new national VA cemetery in the metropolitan Jacksonville area or nearby Clay County would answer the

unmet need for north Floridians and southern Georgians.

My colleagues may ask why should I support a cemetery in Florida. Well, from Michigan and New York, the Midwest and elsewhere, there is a high likelihood that their constituents are contemplating retiring in north Florida. We welcome them and I hope my colleagues will sign on to my bill H.R. 1205.

We welcome your veteran constituents to call north Florida home. I hope you will consider cosponsoring my bill, H.R. 1205, and help us to provide the dignified, hallowed grounds our veterans deserve.

#### MILITARY APPRECIATION MONTH

(Mr. KENNEDY of Minnesota asked and was given permission to address the House for 1 minute.)

Mr. KENNEDY of Minnesota. Mr. Speaker, today I rise to honor Military Appreciation Month. I rise to thank our men and women in uniform for their sacrifice, service and dedication.

We show our appreciation by voting them the pay raise they earned and making sure they live in quality housing and have the tools they need to defend us. In addition to our active duty personnel, nearly 82,000 members of the National Guard and the Reserves have been called into active duty since September 11.

I appreciate those who serve our Nation, put their lives on the line to defend our freedom. These men and women are heroes. They work side by side with us during the week. Their children go to school with our children, but on weekends and when called upon, they go into active duty to defend our country. I want them to know that America thanks them.

I specifically would like to thank General Andreotti and Colonel Dennis Lord of the Minnesota National Guard for their long and diligent service fighting for the interests of the Guard and Reserve. I want to thank the Minnesota National Guard and Reserve. Two weeks ago was their last week guarding the Minneapolis/St. Paul International Airport.

#### THE LONG WAR ON TERROR

(Mr. PENCE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PENCE. Mr. Speaker, we find ourselves in a long war on terror. There has been much discussion on Capitol Hill this week and around America about blame and about how it is that we ought to inquire and investigate institutional failures.

So I rise today, Mr. Speaker, to remind us that our experience with terror in America did not begin on September 11 in Washington and in New York. Rather, it began on February 26, 1993, with the first World Trade Center bombing. Terrorists blew a hole 6 stories deep in an attempt to topple the

north tower; Mogadishu, Somalia, 18 American soldiers killed; the Khobar Towers in 1996, a barracks housing U.S. soldiers, 19 servicemen killed; U.S. embassies in Kenya and Tanzania in 1998, 245 killed; the *USS Cole* in October of 2000, 17 servicemen killed.

We are in a prolonged engagement with terror centered in a single terrorist organization. Let us stand with our intelligence committees as they rightly inquire into the institutional failures that have occurred.

#### WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 3448, PUBLIC HEALTH SECURITY AND BIOTERRORISM PREPAREDNESS AND RESPONSE ACT OF 2002

Mr. LINDER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 427 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 427

*Resolved*, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (H.R. 3448) to improve the ability of the United States to prevent, prepare for, and respond to bioterrorism and other public health emergencies. All points of order against the conference report and against its consideration are waived. The conference report shall be considered as read.

The SPEAKER pro tempore (Mr. DAN MILLER of Florida). The gentleman from Georgia (Mr. LINDER) is recognized for 1 hour.

Mr. LINDER. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentlewoman from New York (Ms. SLAUGHTER) pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, H. Res. 427 is a rule providing for the consideration of the conference report for H.R. 3448, the bioterrorism bill. The rule waives all points of order against the conference report and against its consideration. It also provides that the conference report shall be considered as read.

The Committee on Rules approved this rule last night, and I urge my colleagues to support it so that we can proceed with an hour of debate and consideration of this bipartisan conference report.

Mr. Speaker, I want to take this opportunity to applaud the commendable work of my friends and colleagues on the Committee on Energy and Commerce for the work they have done to bring this final bill to the floor today. The gentleman from Louisiana (Mr. TAUZIN), the committee chairman, and the gentleman from North Carolina (Mr. BURR), along with the gentleman from Georgia (Mr. CHAMBLISS), who is the chairman of the Intelligence Subcommittee on Terrorism and Homeland Security, all of whom played an instrumental role in securing the much-needed \$600 million in authorization for the

Centers for Disease Control and Prevention to upgrade and enhance its facilities over the next 2 years, which is one of the conference report's most noteworthy proposals.

Among the many good things that this bill does, it included a bill that I introduced in the first part of November that will allow the reauthorization of the building-out of the CDC. Mr. Speaker, the CDC is a group of world class intellects in a Third World facility. It has no security. They have scientists working on computers that are covered by polyethylene so that leaking roofs do not destroy them.

As the American people recover from the discovery of anthrax in our mail system last year, we will continue to turn to the CDC for new ways to confine and eradicate these dangerous threats to the public health. This enhanced funding for the CDC to upgrade its facilities will be an important part of that process, and I look forward to President Bush, who visited the CDC with the gentleman from Georgia (Mr. CHAMBLISS), myself and other members of the Georgia congressional delegation last year, I look forward to him signing this measure into law.

Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield myself such time as I may consume.

(Ms. SLAUGHTER asked and was given permission to revise and extend her remarks, and include extraneous material.)

Ms. SLAUGHTER. Mr. Speaker, I thank the gentleman from Georgia (Mr. LINDER) for yielding me the customary half hour.

I rise in support of the underlying conference report. The Bioterrorism and Response Act enjoys strong bipartisan support, having passed the House by a vote of 418 to 2. Moreover, this measure moved forward the consultations from both sides of the aisle, a practice all too rare in the current Congress.

□ 1030

Mr. Speaker, this bioterrorism measure represents the first comprehensive effort to shore up our Nation's defenses against a terror attack. This includes critical provisions calling for the stockpiling of drugs and vaccines. It outlines initiatives to help prevent, detect, and treat terrorism-related health threats, including the possibility of a smallpox epidemic. Moreover, the legislation authorizes substantial new spending to help State and local health officials prepare for bioterrorism attacks. Grants would be made available to help hospitals prepare for the treatment of victims. Funding for research and prevention and treatment would also be increased.

Of utmost importance, the bill ensures that additional steps would be taken to protect the food supply, including new authority for the FDA to bar unsafe food from entering the coun-

try. Many of us have long felt that the increased imports of food from countries outside the scope of U.S. safety regulation posed a unique threat to our citizens, especially with the advent of bioterrorism. The measure begins to address this concern by providing needed grants to States to strengthen food inspections and deal with outbreaks of food-borne illnesses. New registration and recordkeeping requirements would be imposed and safety improvements would be ordered at animal research labs.

Mr. Speaker, I would also like to highlight the provisions of the legislation designed to protect our most vulnerable citizens in the event of terrorist attack: our children. I was proud to join my colleague from New York, Senator HILLARY CLINTON, in introducing the Protecting America's Children Against Terrorism Act. The bill provided Federal resources and coordination to ensure that our children's needs are met in the event of a terrorist attack. I wish to thank the chairman of the Committee on Energy and Commerce, the gentleman from Louisiana (Mr. TAUZIN), and the ranking member, the gentleman from Michigan (Mr. DINGELL), for including the majority of these provisions in this comprehensive measure.

The events of September 11 have illustrated only too clearly for us the risks posed to our children by terrorism. Children perished aboard the planes that crashed. Both the World Trade Center and the Pentagon housed day care centers. Nearby schools had to be evacuated, and an estimated 10,000 American children lost a parent as a result of these atrocities, many of them losing their sole or primary caregiver.

In recent months, new concerns have emerged. With the threat of bioterrorism and chemical warfare more prominent, we have realized that the proper dosages of vaccines and antidotes for children is incomplete. Few health care providers are trained to recognize the early signs of smallpox or anthrax, which can mimic cold or flu symptoms. The National Pharmaceutical Stockpile Program is not necessarily equipped with the supplies necessary to administer drugs or other treatment to large numbers of children.

Other needs have become evident as well. Many schools lack effective evacuation plans or methods of moving children to an alternative safe location. Networks do not exist for informing parents of evacuations and the sites where their children may be found. Mental health services are not always available for children traumatized by catastrophic events.

The conference report includes our proposal to protect children against bioterrorism by examining the preparedness of our Nation's health system for mass casualties of children and youth resulting from bioterrorism. It would establish an information net-

work to collect and disseminate information for health providers on how to prepare for a biological terrorist attack and what steps to take to ensure children get the health care they need in the case of an attack. Moreover, the measure would ensure that the National Pharmaceutical Stockpile Program includes inventories to meet the medical needs of children.

The events of September 11 have revealed to us the gaps in our preparedness for a major disaster. We owe it to all our citizens to ensure that we close these gaps before a future emergency, be it terrorism, natural disaster, or other cause, requires that we take action.

Mr. Speaker, I reserve the balance of my time.

Mr. LINDER. Mr. Speaker, I am pleased to yield such time as he may consume to the gentleman from Louisiana (Mr. TAUZIN), the chairman of the committee.

Mr. TAUZIN. Mr. Speaker, I thank the Committee on Rules for bringing this rule to the floor today.

After 9-11, the Committee on Energy and Commerce began a series of roundtables with the agencies under our jurisdiction and members of both sides of our committee. The gentleman from Michigan (Mr. DINGELL), leading the minority, and myself representing the majority, had meetings with the agency officials under our jurisdiction to ask several questions, the most of important of which was: tell us a little bit about where your vulnerabilities are; tell us a little bit about where you are not prepared; and tell us a little bit about how Congress might enact new laws and new authorities to make you better prepared for the things we might now expect, that indeed might now threaten our country in ways we were never before threatened.

9-11 taught us a lesson, in effect. It taught us that we have to be willing to think like evil people. And that is not our custom. We think like good people in America. We do not think like evil people, designing ways and means to kill and destroy and to disrupt the lives of citizens who are innocent and have nothing to do with our cause. We think literally so totally different from the kind of enemy we now face in this terrorist situation that it was difficult for agency heads and even Members of Congress to think about all the things that someone with an evil mind might want to do to our citizens and our constituents; what they might want to do to this country and to the people that live here.

So as we began to have those discussions with agencies under our jurisdictions, we suddenly realized how necessary it was to put together a bioterrorism package. And here, Mr. Speaker, I want to thank the gentleman from Georgia (Mr. LINDER) for the excellent work he did in bringing to our committee ideas about how to make the CDC a much more functional and a much more effective agency for our

country, in not only just studying the prevention and treatment of diseases that are normal in our society, but now making sure we have the vaccines and the research going forward to protect us against the artificial insertion of biochemical and biological threats to our people, as we have now learned is possible. I want to thank him for bringing to our committee and to this bill the great ideas he had about beefing up the capacity of the CDC to do that for our country.

But as we began to hear from these agency heads, we began to learn that, indeed, we had a lot of vulnerabilities in our country; that we did not have enough vaccine, for example, to make sure if anthrax were introduced into our society to harm us we could vaccinate enough people in our country. So we set to work immediately to make sure our health department not only got the right amount of vaccine available for us, but that our health agencies were all preparing to make sure that other vaccines and other treatments were available to first responders in case we had such an evil attack on our people.

We learned, for example, that we had to organize better the laws that protected against people owning and transferring biological agents to one another so that we might find the owner or the possessor of an agent that enters our mail, for example, and begins to kill our people, whether it is a domestic threat or a foreign threat; that we had to make it illegal for someone to transfer the possession of some of these agents, if in fact they were legally in their possession, to make it criminally wrong for them to transfer it without authority, without a permit.

We learned, for example, that our first responders were woefully unprepared in the case of a biological or chemical threat to our country to deal with the kind of casualties we might expect if something like that happened. We learned that we needed, for example, to beef up the capacity of our ambulance services and our nurses and our hospitals to deal with those kinds of problems, if, God forbid, they should happen in our country. This bill, for example, will provide another \$520 million to the hospitals of America, a special help in grants, to make sure they are prepared for those kinds of emergencies.

We learned also that our drinking water supplies needed to be better protected and safeguarded. We learned that, indeed, the incredible ability of someone to damage our country, who thinks as evilly as some of these people do, might find its way into threats against our water supplies. Just recently, I think last month, people were caught filming a water reservoir, I think in Connecticut. And we began to think, well, maybe people might indeed want to threaten the safe drinking water of our citizens, if they have such evil minds.

I was reminded in all these meetings of that aircraft that took off from New York City, I think it was Egyptian Air; and instead of landing somewhere at its final destination, some pilot dove that plane into the ocean. I was reminded of when that happened and reminded that most of us in America thought how awful it was that if this pilot did indeed want to commit suicide, if that was really his purpose, why did he have to take all these innocent people along with him.

It dawned on us, that is the way good people see an incident like that. The way evil people saw that incident was, perhaps in a desert somewhere or a cave somewhere in Afghanistan, he could have taken out more people had he taken that plane into a building. That is the way evil people think, how much more destruction he could have rendered had he done something different instead of just crashing the plane into the ocean.

So through these meetings, through all this work we have done on the bioterrorism legislation, we have tried the awful exercise of thinking as evilly as we could. What would the most evil person try to do to us with biological threats, with chemical threats, with agents of destruction? What would the most evil person do to disrupt our health supply system or to disrupt our clean water system, to make sure we did not have enough clean drinking water perhaps, to poison that system or cause people death and injury? What would the most evil mind try to do if they learned how to fly a crop duster or a mosquito spraying plane and take that equipment somewhere and spread biological or chemical agents upon our people?

We went through that awful exercise of trying to think like the most evil person on Earth and then tried to write a bill to make sure the agents of our government, those who are in charge of our health care system, those in charge of building our vaccine supplies, those in charge of testing biological agents, the first responders and those in charge of our incredibly sensitive clean drinking water supplies, what would we do in a bill to bolster our ability to meet those kinds of threats?

So, last December, our committee presented to this body our bioterrorism package, and this body approved it overwhelmingly, I think 430-some odd votes to 2, and sent that package on to the Senate. The Senate, similarly, passed a bill that mirrored in many aspects the House-passed version. It was passed unanimously in the Senate, and Senator TED KENNEDY and I have worked since that date in December to bring the best of those two packages together into a single package that we might present to the House and get signed by the President so that this country might be just a little safer from those evil minds who threaten, or would try to threaten, our country.

This week we have learned about new threats. This week we have learned

that the level of communications among al Qaeda operatives around the world is beginning to rise again, and that there are conversations about hitting this country again. We have heard testimony in the last few days that maybe it is not if, it is when. Maybe, indeed, we have to think about the inevitability of some strike against our people again. So we better have our first responders ready. We had better have enough vaccines ready. We had better have enough treatment facilities available. We had better make sure we protect the drinking water of our people as much as we can. We had better make sure our hospitals and our nurses and our ambulances, and all our firefighters, all those heroes of 9-11, are as well equipped as we can make them to respond as quickly as possible to the next set of threats that are leveled against our country.

And so we have brought together in this conference the best of the Senate bill and the best of the House bill. And I want to compliment Senator TED KENNEDY and the Senate team for working so well with our team on the House side. In the end, I think we present an excellent package for the consideration of both bodies for the President to sign. And I cannot think of a better week than this week, when everybody's attention is riveted again on the new threats that are being talked about in conversations around the world against our people, that we pass this bioterrorism package and put it on the President's desk for his signature.

We have included one extra thing of significant importance that I also want to mention. Up this year for renewal is something called PDUFA. It is an acronym for a policy that has allowed this country to collect user fees from the drug companies, the big pharmaceutical companies of America, and those user fees pay the salaries of people who work at the FDA, the Food and Drug Administration.

That Food and Drug Administration set of personnel then do the testing, the analysis, all the research, all the professional analysis that goes into making sure that the pharmaceutical drugs that are patented in this country are tested first before a pharmaceutical company is allowed to sell them to your mom and your dad and your relatives, and even to those of us who need those drugs to survive or treat an illness.

□ 1045

The importance of that program, that prescription drug user fee program, is critical in America, and it is about to expire. It expires in September. If we do not reauthorize it this year, immediately, we begin laying off people at the Food and Drug Administration. So we have included in this package the reauthorization of the Prescription Drug User Fee Act which funds the work that goes forward to make sure that new prescription drugs

are properly tested before the Food and Drug Administration authorizes any pharmaceutical company to allow a doctor to prescribe them to the citizens of this country.

And so we have brought you a good package that we think draws from the best of the House and the Senate versions of bioterrorism and we have added to it the reauthorization of the Prescription Drug User Fee Act. This package again represents this Nation's first line of defense against bioterrorism at a day and at a time when all of us know now that there are people who would love to disrupt this society by attacking us with one of those forms. When you think about 9/11 again and the awful consequences of 9/11 and you sit in a cave now in Afghanistan and think about how much more damage you might do to this country than you did on 9/11, bioterrorism is one of those areas we have to be concerned about. This bill gives this country many more tools to work with to defend and protect our people. It adds a whole new arsenal of first responder capabilities to in fact respond if we do get hit again, and it gives us the reauthorization of the Prescription Drug User Fee Act, a critically important act for the continuation of prescription drug protections for our country.

I again want to thank the Committee on Rules for doing such an expeditious job last night late in bringing this rule to the floor so we can pass it before the Memorial Day recess.

Ms. SLAUGHTER. Mr. Speaker, I yield 3 minutes to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. I thank the gentleman for yielding me this time.

Mr. Speaker, in the bioterrorism conference report, House leadership managed to put in a new provision that would allow Medicare HMOs more time to decide whether or not to continue offering health plans. This would allow HMOs to delay for 2½ months telling senior citizens if they will continue to offer health insurance to them. Is this not a bit out of place? We are going to have a Medicare provision in legislation that helps the country prepare for a bioterrorism attack. This is what causes the American people to wonder what in the world we do here.

We have a bill on the floor dealing with bioterrorism and suddenly it is also a bill that deals with Medicare HMOs. Here is a Medicare provision in legislation that helps prepare the country for a bioterrorist attack. Strange, because the Medicare+Choice program is wholly unrelated to bioterrorism. This provision was not considered by a committee. This provision was not considered in the underlying bill in the House or the Senate. It was added to the conference report at the very last minute. This is just another example of how the leadership is able to circumvent the established process and of the way business is done in this House. The only purpose, repeat, the only purpose of this provision is to help the in-

surance industry by giving HMOs more time to calculate revenue and estimate profits for next year. Every year, the Medicare+Choice program drops seniors to the tune of about a half a million seniors in the last year. Not only do senior citizens lose their coverage, but HMOs in the program have increased premiums, hiked up copayments, decreased benefits, and eliminated coverage year after year. Now, under this provision, seniors will have even less time to review their options for getting the health care that they will need. Allowing Medicare HMOs a 2½-month delay is not good for seniors. It certainly should not be added to the program. And most of all, Mr. Speaker, it should not be in a conference report for the Bioterrorism Preparedness Act.

I call upon all Members to take note of exactly what happened in slipping this provision into a conference report on bioterrorism, and I call upon all Members to remember the senior citizens in our districts who are being thrown out of health care coverage by Medicare HMOs and an insurance industry which does not give a darn about the senior citizens.

Mr. LINDER. Mr. Speaker, I yield 2 minutes to the gentleman from Louisiana (Mr. TAUZIN).

Mr. TAUZIN. I thank my friend for yielding me this time.

Mr. Speaker, I wanted to read into the RECORD some of the names of the incredible staff who helped finalize this important work for the country. They include the head of our health team, Pat Morrissey, Brent DelMonte, Amit Sachdev, Nandan Kenkeremath, Allan Slobodin, Tom DiLenge, Steve Tilton; and of the legislative counsel, Pete Goodlow. These are staffers who worked tirelessly day and night and, believe me, all night, weekends, to make this possible. So many times we fail to say thank you to them. I just wanted to say on the record, thank you, team.

Ms. SLAUGHTER. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. LINDER. Mr. Speaker, I urge my colleagues to support this rule so we can begin the debate on this important conference report.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore (Mr. DAN MILLER of Florida). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Ms. SLAUGHTER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

A record vote on the Journal will be a 5-minute vote immediately following this 15-minute vote.

The vote was taken by electronic device, and there were—yeas 403, nays 19, not voting 12, as follows:

[Roll No. 186]

YEAS—403

Abercrombie	DeLauro	Jefferson
Ackerman	DeLay	Jenkins
Aderholt	DeMint	John
Akin	Diaz-Balart	Johnson (CT)
Allen	Dicks	Johnson (IL)
Andrews	Dingell	Johnson, E. B.
Armey	Doggett	Johnson, Sam
Baca	Dooley	Jones (NC)
Bachus	Doolittle	Jones (OH)
Baird	Doyle	Kanjorski
Baker	Dreier	Kaptur
Baldacci	Duncan	Keller
Baldwin	Dunn	Kelly
Ballenger	Edwards	Kennedy (MN)
Barcia	Ehlers	Kennedy (RI)
Barr	Engel	Kerns
Barrett	English	Kildee
Bartlett	Eshoo	Kilpatrick
Barton	Etheridge	Kind (WI)
Bass	Evans	King (NY)
Becerra	Everett	Kingston
Bentsen	Farr	Kirk
Bereuter	Fattah	Kleczka
Berkley	Ferguson	Knollenberg
Berman	Flake	Kolbe
Berry	Fletcher	LaFalce
Biggart	Foley	LaHood
Bilirakis	Forbes	Lampson
Bishop	Ford	Langevin
Blagojevich	Fossella	Lantos
Blumenauer	Frank	Larsen (WA)
Blunt	Frelinghuysen	Larson (CT)
Boehlert	Frost	Latham
Boehner	Galleghy	LaTourette
Bonilla	Ganske	Leach
Bonior	Gekas	Levin
Bono	Gephardt	Lewis (CA)
Boozman	Gibbons	Lewis (GA)
Borski	Gilchrest	Lewis (KY)
Boswell	Gillmor	Linder
Boucher	Gilman	Lipinski
Boyd	Gonzalez	LoBiondo
Brady (PA)	Goode	Lofgren
Brady (TX)	Goodlatte	Lowey
Brown (FL)	Gordon	Lucas (KY)
Brown (OH)	Goss	Lucas (OK)
Brown (SC)	Graham	Luther
Bryant	Granger	Lynch
Burr	Graves	Maloney (CT)
Buyer	Green (TX)	Maloney (NY)
Callahan	Green (WI)	Manzullo
Calvert	Greenwood	Markley
Camp	Grucci	Matheson
Cannon	Gutierrez	Matsui
Cantor	Gutknecht	McCarthy (MO)
Capito	Hall (OH)	McCarthy (NY)
Capps	Hall (TX)	McCollum
Capuano	Hansen	McCrery
Cardin	Harman	McGovern
Carson (IN)	Hart	McHugh
Carson (OK)	Hastings (FL)	McInnis
Castle	Hastings (WA)	McIntyre
Chabot	Hayes	McKeon
Chambliss	Hayworth	McKinney
Clay	Hefley	McNulty
Clayton	Herger	Meehan
Clement	Hill	Meeks (NY)
Clyburn	Hilleary	Menendez
Coble	Hilliard	Mica
Collins	Hinojosa	Millender-
Combest	Hobson	McDonald
Condit	Hoeffel	Miller, Dan
Cooksey	Hoekstra	Miller, Gary
Costello	Holden	Miller, Jeff
Cox	Holt	Mink
Coyne	Honda	Mollohan
Cramer	Hoolley	Moore
Crane	Horn	Moran (KS)
Crenshaw	Hostettler	Moran (VA)
Crowley	Houghton	Morella
Cubin	Hoyer	Myrick
Culberson	Hulshof	Nadler
Cummings	Hunter	Napolitano
Cunningham	Hyde	Neal
Davis (CA)	Inslee	Nethercutt
Davis (FL)	Isakson	Ney
Davis (IL)	Israel	Northup
Davis, Jo Ann	Issa	Norwood
Davis, Tom	Istook	Nussle
Deal	Jackson (IL)	Oberstar
DeGette	Jackson-Lee	Obey
Delahunt	(TX)	Oliver



Ortiz	Royce	Tauscher
Osborne	Rush	Tauzin
Ose	Ryan (WI)	Taylor (MS)
Otter	Ryun (KS)	Taylor (NC)
Oxley	Sabo	Terry
Pallone	Sanchez	Thomas
Pascarell	Sandin	Thompson (CA)
Pastor	Sawyer	Thompson (MS)
Paul	Saxton	Thornberry
Pelosi	Schiff	Thune
Pence	Schrock	Thurman
Peterson (MN)	Scott	Tiahrt
Peterson (PA)	Sensenbrenner	Tiberi
Petri	Serrano	Tierney
Phelps	Sessions	Toomey
Pickering	Shadegg	Turner
Pitts	Shaw	Udall (CO)
Platts	Shays	Udall (NM)
Pombo	Sherman	Upton
Pomeroy	Sherwood	Velazquez
Portman	Shimkus	Visclosky
Price (NC)	Shows	Vitter
Pryce (OH)	Shuster	Walden
Putnam	Simmons	Walsh
Quinn	Simpson	Wamp
Radanovich	Skeen	Watkins (OK)
Rahall	Skelton	Watson (CA)
Ramstad	Slaughter	Waxman
Regula	Smith (MI)	Weiner
Rehberg	Smith (NJ)	Weldon (FL)
Reyes	Smith (TX)	Weldon (PA)
Reynolds	Smith (WA)	Weller
Rivers	Solis	Wexler
Rodriguez	Souder	Whitfield
Roemer	Spratt	Wicker
Rogers (KY)	Stearns	Wilson (NM)
Rogers (MI)	Stenholm	Wilson (SC)
Rohrabacher	Stump	Wolf
Ros-Lehtinen	Sullivan	Woolsey
Ross	Sununu	Wu
Rothman	Sweeney	Wynn
Roukema	Tancredo	Young (AK)
Roybal-Allard	Tanner	Young (FL)

## NAYS—19

Conyers	Miller, George	Strickland
DeFazio	Owens	Stupak
Filner	Payne	Towns
Hinchey	Rangel	Waters
Kucinich	Sanders	Watt (NC)
Lee	Schakowsky	
McDermott	Stark	

## NOT VOTING—12

Burton	Mascara	Schaffer
Deutsch	Meek (FL)	Snyder
Ehrlich	Murtha	Trafficant
Emerson	Riley	Watts (OK)

□ 1113

Mr. TOWNS and Mr. WATT of North Carolina changed their vote from “yea” to “nay.”

Mr. MALONEY of Connecticut and Mr. HOUGHTON changed their vote from “nay” to “yea.”

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. EHRlich. Mr. Speaker, on rollcall No. 186 I was inadvertently detained. Had I been present, I would have voted “yea.”

## THE JOURNAL

The SPEAKER pro tempore (Mr. DAN MILLER of Florida). Pursuant to clause 8, rule XX, the pending business is the question of the Speaker's approval of the Journal of the last day's proceedings.

The question is on the Speaker's approval of the Journal.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

## RECORDED VOTE

Mr. McNULTY. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 361, noes 57, not voting 16, as follows:

[Roll No. 187]

## AYES—361

Abercrombie	Dooley	Kennedy (RI)
Ackerman	Doolittle	Kerns
Akin	Doyle	Kildee
Allen	Dreier	Kilpatrick
Andrews	Duncan	King (NY)
Armey	Dunn	Kingston
Baca	Edwards	Kirk
Bachus	Ehlers	Klecza
Baker	Ehrlich	Knollenberg
Baldacci	Engel	Kolbe
Ballenger	Eshoo	LaFalce
Barcia	Etheridge	LaHood
Barr	Evans	Lampson
Barrett	Everett	Langevin
Bartlett	Farr	Lantos
Barton	Ferguson	Larson (CT)
Bass	Flake	LaTourette
Becerra	Foley	Leach
Bentsen	Forbes	Lee
Bereuter	Ford	Levin
Berkley	Fossella	Lewis (CA)
Berman	Frank	Lewis (GA)
Berry	Frelinghuysen	Lewis (KY)
Biggert	Frost	Linder
Bilirakis	Galleghy	Lipinski
Bishop	Ganske	Lofgren
Blagojevich	Gekas	Lowe
Blumenauer	Gibbons	Lucas (KY)
Blunt	Gilchrest	Lucas (OK)
Boehlert	Gillmor	Luther
Boehner	Gilman	Lynch
Bonilla	Gonzalez	Maloney (CT)
Bono	Goode	Maloney (NY)
Boozman	Goodlatte	Matsui
Boswell	Gordon	McCarthy (MO)
Boucher	Goss	McCarthy (NY)
Boyd	Graham	McCollum
Brady (TX)	Granger	McCrery
Brown (FL)	Graves	McGovern
Brown (SC)	Green (TX)	McHugh
Bryant	Green (WI)	McInnis
Burr	Greenwood	McIntyre
Buyer	Grucci	McKeon
Callahan	Gutierrez	McKinney
Calvert	Hall (OH)	Meehan
Camp	Hall (TX)	Meeks (NY)
Cannon	Hansen	Menendez
Cantor	Harman	Mica
Capito	Hastings (WA)	Millender-
Capps	Hayes	McDonald
Cardin	Hayworth	Miller, Dan
Carson (IN)	Herger	Miller, Gary
Castle	Hill	Miller, Jeff
Chabot	Hilleary	Mink
Chambliss	Hinojosa	Mollohan
Clay	Hobson	Moran (KS)
Clayton	Hoeffel	Moran (VA)
Clement	Hoekstra	Morella
Clyburn	Holden	Murtha
Coble	Honda	Myrick
Collins	Hookey	Nadler
Combest	Horn	Napolitano
Conyers	Hostettler	Neal
Cooksey	Houghton	Nethercutt
Cox	Hoyer	Ney
Coyne	Hunter	Northup
Cramer	Hyde	Norwood
Crenshaw	Inslee	Nussle
Crowley	Isakson	Ortiz
Cubin	Israel	Osborne
Culberson	Issa	Ose
Cummings	Istook	Otter
Cunningham	Jackson (IL)	Owens
Davis (CA)	Jackson-Lee	Oxley
Davis (FL)	(TX)	Pascarell
Davis (IL)	Jefferson	Pastor
Davis, Jo Ann	Jenkins	Paul
Davis, Tom	John	Payne
Deal	Johnson (CT)	Pelosi
DeGette	Johnson (IL)	Pence
Delahunt	Johnson, E. B.	Peterson (PA)
DeLauro	Johnson, Sam	Petri
DeLay	Jones (NC)	Phelps
DeMint	Jones (OH)	Pickering
Diaz-Balart	Kanjorski	Pitts
Dicks	Kaptur	Platts
Dingell	Keller	Pombo
Doggett	Kelly	Pomeroy

Portman	Serrano	Terry
Price (NC)	Sessions	Thomas
Pryce (OH)	Shadegg	Thompson (CA)
Putnam	Shaw	Thornberry
Quinn	Shays	Thune
Radanovich	Sherman	Thurman
Rahall	Sherwood	Tiahrt
Rangel	Shimkus	Tiberi
Regula	Shows	Tierney
Rehberg	Shuster	Toomey
Reyes	Simmons	Towns
Reynolds	Simpson	Turner
Rivers	Skeen	Upton
Rodriguez	Skelton	Velazquez
Roemer	Smith (MI)	Walden
Rogers (KY)	Smith (NJ)	Walsh
Rogers (MI)	Smith (TX)	Watkins (OK)
Rohrabacher	Smith (WA)	Watson (CA)
Ros-Lehtinen	Solis	Watt (NC)
Ross	Souder	Waxman
Rothman	Spratt	Weiner
Roukema	Stark	Weldon (FL)
Roybal-Allard	Stearns	Weldon (PA)
Royce	Strickland	Wexler
Rush	Stump	Whitfield
Ryan (WI)	Sullivan	Wilson (NM)
Ryun (KS)	Sununu	Wilson (SC)
Sanders	Sweeney	Wolf
Sawyer	Tancredo	Woolsey
Schiff	Tanner	Wu
Schrock	Tauscher	Wynn
Scott	Tauzin	Young (AK)
Sensenbrenner	Taylor (NC)	Young (FL)

## NOES—57

Aderholt	Hastings (FL)	Olver
Baird	Hefley	Pallone
Baldwin	Hilliard	Peterson (MN)
Borski	Hinchey	Ramstad
Brady (PA)	Holt	Sabo
Brown (OH)	Hulshof	Sanchez
Capuano	Kennedy (MN)	Schakowsky
Carson (OK)	Kucinich	Slaughter
Condit	Larsen (WA)	Stenholm
Costello	Latham	Stupak
Crane	LoBiondo	Taylor (MS)
DeFazio	Markey	Thompson (MS)
English	Matheson	Udall (CO)
Fattah	McDermott	Udall (NM)
Filner	McNulty	Visclosky
Fletcher	Miller, George	Wamp
Gephardt	Moore	Waters
Gutknecht	Oberstar	Weller
Hart	Obey	Wicker

## NOT VOTING—16

Bonior	Mascara	Snyder
Burton	Meek (FL)	Trafficant
Deutsch	Riley	Vitter
Emerson	Sandin	Watts (OK)
Kind (WI)	Saxton	
Manzullo	Schaffer	

□ 1125

So the Journal was approved.

The result of the vote was announced as above recorded.

# PROVIDING FOR CONSIDERATION OF H.R. 3129, CUSTOMS BORDER SECURITY ACT OF 2001

Mrs. MYRICK. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 426 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

## H. RES. 426

*Resolved*, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 3129) to authorize appropriations for fiscal years 2002 and 2003 for the United States Customs Service for antiterrorism, drug interdiction, and other operations, for the Office of the United States Trade Representative, for the United States International Trade Commission, and for other purposes. The first reading of the bill shall be dispensed with. All points of



order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Ways and Means now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. All points of order against the committee amendment in the nature of a substitute are waived. No amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mr. FOSSELLA). The gentlewoman from North Carolina (Mrs. MYRICK) is recognized for 1 hour.

□ 1130

Mrs. MYRICK. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from Florida (Mr. HASTINGS), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for purposes of debate only.

Mr. Speaker, yesterday the Committee on Rules met and granted a structured rule providing for consideration of the bill, H.R. 3129, the Customs Border Security Act of 2001.

The rule waives all points of order against consideration of the bill, and provides for 1 hour of general debate, equally divided and controlled by the chairman and ranking member of the Committee on Ways and Means.

Finally, the rule provides for one motion to recommit, with or without instructions.

Mr. Speaker, House Resolution 426 is an appropriate and fair rule, and it is consistent with previous rules that our committee has reported and the House has adopted on bills from the Committee on Ways and Means.

This rule gives the chairman of the committee 10 minutes to debate his manager's amendment, while it pro-

vides 60 minutes for the minority substitute, plus the chance to offer a motion to recommit.

Mr. Speaker, the Customs Border Security Act of 2001 would authorize the budget for the U.S. Customs Service, the International Trade Commission, and the Office of the U.S. Trade Representative. It also includes a number of critical new tools for fighting terrorism, drugs, and child pornography.

H.R. 3129 will help the Customs Service close the gaps in our border that allow illegal money to be taken out of the country. This legislation will also significantly help the Customs Service's ability to stop the flow of illegal drugs from crossing our borders and getting into our children's hands.

This legislation also addresses an issue that is very important to North Carolina, and near and dear to my heart. In the last year, 60,000 textile workers have lost their jobs, 20,000 of them in North Carolina, and a large percentage of those in my district. The industry has done its best through technology modernization to compete, but they have not had a level and fair playing field in our international markets.

This bill will help fight that problem, and it will fight illegal textile transshipments. Transshipments are illegal because some countries ship their goods through another country illegally to avoid the quotas, and they also give a false declaration, which allows them to circumvent the law. Ninety percent of all illegal transshipments originate out of China, so without extra agents to enforce these laws, they get away with it.

H.R. 3129 provides the Customs Service with \$9.5 million for transshipment enforcement operations. These funds must be used to hire 72 new employees who will be stationed both here, at home, and abroad to enforce our textile trade laws. Our textile workers are hurting, and they are hurting bad, so I am pleased that the government is beginning to take action.

H.R. 3129 also directs the Comptroller General to conduct an audit of the system established and carried out by the Customs Service to monitor textile transshipment. I look forward to their report, and will be interested in their recommendation for improvements to the transshipment monitoring system.

So to that end, I urge my colleagues to support this rule and to support the commonsense underlying legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as my good friend, the gentlewoman from North Carolina (Mrs. MYRICK) noted, H.R. 3129, the Customs Border Security Act of 2001, authorizes the budget for the U.S. Customs Service, the United States Trade Representative, and the International Trade Commission. These three agencies are vital parts of our government,

as they police our borders and promote the export of U.S. manufacturers.

The rule we are considering today allows for a Democratic substitute, as well as a motion to recommit. I commend the majority for the construction of today's fair rule, and I urge the majority to give consideration for similarly fair rules in the future.

The underlying bill was originally considered by this Chamber in December of 2001 under suspension of the rules, and it failed to gain the two-thirds majority needed for passage. H.R. 3129 failed because many of us on both sides of the aisle had grave concerns about the damage this legislation does to our civil liberties, our right to privacy, and bonus pay for Customs Service agents.

For example, under section 141 of this legislation, customs officers are granted immunity from lawsuits stemming from personal searches of people entering the country, so long as the officers conduct the search in good faith. Additionally, under section 583 of this legislation, customs officers are granted the right to stop and search at the border without a search warrant any outbound mail being transported by the United States Postal Service.

Last night in the Committee on Rules, the chairman of the Committee on Ways and Means, my good friend, the gentleman from California (Mr. THOMAS), made the claim that the major sticking point in the bill last December was the section concerning bonus pay.

Frankly, I am a bit troubled by the chairman's remarks. True, many of us were concerned about the bonus pay provision in the initial bill. However, it was not the gravest concern that some of us had, nor was it the only concern that we expressed. Instead, as I said in this Chamber last December, H.R. 3129 as written imperils some of our civil liberties and some of our right to privacy.

The Rangel substitute offers a more balanced and fair compromise, and I urge our colleagues to carefully consider it. It addresses all of the concerns of our fellow legislators. The Rangel amendment, like the Thomas amendment, includes a provision providing bonus pay to customs agents. It includes a provision stating that the United States government consents to be sued and be held liable for civil damages for suits brought in connection with a wrongful personal search by a customs agent.

The Rangel substitute also contains a provision that raises the standard for searches of outbound mail to one of "reasonable cause," as opposed to the lesser standard of "probable cause."

Mr. Speaker, make no mistake, my concerns for civil liberties and our right to privacy do not blind me to the dangers of terrorism. My district in south Florida is surrounded by 3 major ports and 3 international airports. Just this past week, it was reported by the Coast Guard that 25 Islamic extremists

had snuck into this country by way of ports in Miami, Fort Lauderdale, Savannah, and elsewhere. These individuals allegedly hid themselves in cargo containers, and then walked away from the ports dressed as stevedores.

This body must provide our customs agents with the tools they need to defend our borders and wage a protracted war on terrorism. We should not, however, give these same agents an incentive to violate our privacy and our civil liberties, particularly when doing so will provide us absolutely no extra security. If we allow our fears to goad us into abandoning the Constitution, then the enemies of freedom and democracy will have won.

Ostensibly, security measures such as the provisions of this bill I have just discussed should be crafted in a manner to protect our democracy. If those security measures actually end up imperiling the democratic rights and freedoms their sponsors claim they protect, then they should be abandoned.

I urge my colleagues to support the rule. I further urge them to please support the Rangel substitute, and oppose the underlying bill if the substitute is not adopted.

Mr. Speaker, I yield back the balance of my time.

Mrs. MYRICK. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank the gentleman from Florida for bringing up the fact that there were those 25 extremists who came in through the ports in shipping containers. It just drives home again the need for this bill and additional enforcement. I thank him for that.

Mr. Speaker, I have no further requests for time, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore (Mr. FOSSELLA). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mrs. MYRICK. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 386, nays 32, not voting 16, as follows:

[Roll No. 188]

YEAS—386

Abercrombie	Baldacci	Berkley
Ackerman	Baldwin	Berry
Aderholt	Ballenger	Biggert
Akin	Barcia	Bishop
Allen	Barr	Blagojevich
Andrews	Barrett	Blumenauer
Armey	Bartlett	Blunt
Baca	Barton	Boehlert
Bachus	Bass	Boehner
Baird	Bentsen	Bonilla
Baker	Bereuter	Bonior

Bono	Granger	McIntyre
Boozman	Graves	McKeon
Borski	Green (TX)	McNulty
Boswell	Green (WI)	Meeks (NY)
Boucher	Greenwood	Menendez
Boyd	Grucci	Mica
Brady (PA)	Gutierrez	Millender-
Brady (TX)	Gutknecht	McDonald
Brown (FL)	Hall (TX)	Miller, Dan
Brown (OH)	Hansen	Miller, Gary
Brown (SC)	Harman	Miller, Jeff
Bryant	Hart	Mink
Burr	Hastings (FL)	Mollohan
Buyer	Hastings (WA)	Moore
Callahan	Hayes	Moran (KS)
Calvert	Hayworth	Moran (VA)
Camp	Hefley	Morella
Cannon	Herger	Murtha
Cantor	Hill	Myrick
Capito	Hilleary	Nadler
Capps	Hilliard	Napolitano
Cardin	Hinojosa	Nethercutt
Carson (IN)	Hobson	Ney
Carson (OK)	Hoeffel	Northup
Castle	Hoekstra	Norwood
Chabot	Holden	Nussle
Chambliss	Holt	Oberstar
Clayton	Honda	Ortiz
Clement	Hooley	Osborne
Clyburn	Horn	Ose
Coble	Hostettler	Otter
Collins	Houghton	Owens
Combest	Hoyer	Oxley
Condit	Hulshof	Pallone
Conyers	Hunter	Pascarell
Cooksey	Hyde	Paul
Costello	Inslee	Pelosi
Cox	Isakson	Pence
Coyne	Israel	Peterson (MN)
Cramer	Issa	Petri
Crane	Istook	Phelps
Crenshaw	Jackson (IL)	Pickering
Crowley	Jefferson	Pitts
Cubin	Jenkins	Platts
Culberson	John	Pombo
Cummings	Johnson (CT)	Pomeroy
Cunningham	Johnson (IL)	Portman
Davis (CA)	Johnson, E. B.	Price (NC)
Davis (FL)	Johnson, Sam	Pryce (OH)
Davis (IL)	Jones (NC)	Putnam
Davis, Jo Ann	Kanjorski	Quinn
Davis, Tom	Kaptur	Radanovich
Deal	Keller	Rahall
DeLauro	Kelly	Ramstad
DeLay	Kennedy (MN)	Regula
DeMint	Kennedy (RI)	Rehberg
Diaz-Balart	Kerns	Reyes
Dicks	Kildee	Reynolds
Dingell	Kilpatrick	Rivers
Doggett	Kind (WI)	Rodriguez
Dooley	King (NY)	Roemer
Doolittle	Kingston	Rogers (KY)
Doyle	Kirk	Rogers (MI)
Dreier	Kleczka	Rohrabacher
Duncan	Knollenberg	Ros-Lehtinen
Dunn	Kolbe	Ross
Edwards	LaFalce	Rothman
Ehlers	LaHood	Roukema
Ehrlich	Lampson	Roybal-Allard
Engel	Langevin	Royce
English	Lantos	Rush
Eshoo	Larsen (WA)	Ryan (WI)
Etheridge	Larson (CT)	Ryun (KS)
Evans	Latham	Sanchez
Everett	LaTourette	Sanders
Farr	Leach	Sandlin
Fattah	Levin	Sawyer
Ferguson	Lewis (CA)	Saxton
Flake	Lewis (KY)	Schiff
Fletcher	Lipinski	Schrock
Foley	LoBiondo	Scott
Forbes	Lofgren	Sensenbrenner
Fossella	Lowe	Serrano
Frelinghuysen	Lucas (KY)	Sessions
Frost	Lucas (OK)	Shadegg
Galleghy	Luther	Shaw
Ganske	Lynch	Shays
Gekas	Maloney (CT)	Sherman
Gephardt	Maloney (NY)	Sherwood
Gibbons	Manzullo	Shimkus
Gilchrest	Matheson	Shows
Gillmor	Matsui	Shuster
Gilman	McCarthy (MO)	Simmons
Gonzalez	McCarthy (NY)	Simpson
Goode	McCollum	Skeen
Goodlatte	McCrery	Skelton
Gordon	McGovern	Slaughter
Goss	McHugh	Smith (MI)
Graham	McInnis	Smith (NJ)

Smith (TX)	Thomas	Wamp
Smith (WA)	Thompson (CA)	Watkins (OK)
Souder	Thompson (MS)	Watson (CA)
Spratt	Thornberry	Waxman
Stark	Thune	Weiner
Stearns	Thurman	Weldon (FL)
Stenholm	Tiahrt	Weldon (PA)
Strickland	Tiberi	Weller
Stump	Toomey	Wexler
Sullivan	Towns	Whitfield
Sununu	Turner	Wicker
Sweeney	Udall (CO)	Wilson (NM)
Tancredo	Udall (NM)	Wilson (SC)
Tanner	Upton	Wolf
Tauscher	Velazquez	Woolsey
Tauzin	Visclosky	Wu
Taylor (MS)	Vitter	Wynn
Taylor (NC)	Walden	Young (AK)
Terry	Walsh	Young (FL)

#### NAYS—32

Becerra	Jackson-Lee	Obey
Bilirakis	(TX)	Olver
Capuano	Jones (OH)	Pastor
Clay	Kucinich	Payne
DeFazio	Lee	Rangel
DeGette	Lewis (GA)	Sabo
Delahunt	Markey	Schakowsky
Filner	McDermott	Stupak
Ford	Meehan	Tierney
Frank	Miller, George	Waters
Hinchey	Neal	Watt (NC)

#### NOT VOTING—16

Berman	Mascara	Snyder
Burton	McKinney	Solis
Deutsch	Meek (FL)	Trafficant
Emerson	Peterson (PA)	Watts (OK)
Hall (OH)	Riley	
Linder	Schaffer	

#### □ 1203

Ms. LEE, and Messrs. FORD, WATT of North Carolina and MEEHAN, Mrs. JONES of Ohio and Ms. JACKSON-LEE of Texas changed their vote from “yea” to “nay.”

Mr. GILLMOR and Mr. TOWNS changed their vote from “nay” to “yea.”

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Ms. SOLIS. Mr. Speaker, during rollcall vote No. 188 on H. Res. 426, rule providing consideration of H.R. 3129, I was unavoidably detained. Had I been present, I would have voted “no.”

#### CONFERENCE REPORT ON H.R. 3448, PUBLIC HEALTH SECURITY AND BIOTERRORISM PREPAREDNESS AND RESPONSE ACT OF 2002

Mr. TAUZIN. Mr. Speaker, pursuant to House Resolution 427, I call up the conference report on the bill (H.R. 3448) to improve the ability of the United States to prevent, prepare for, and respond to bioterrorism and other public health emergencies.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. FOSSELLA). Pursuant to House Resolution 427, the conference report is considered as having been read.

(For conference report and statement, see proceedings of the House of May 21, 2002 at page H 2691.)

The SPEAKER pro tempore. The gentleman from Louisiana (Mr. TAUZIN) and the gentleman from Michigan (Mr. DINGELL) each will control 30 minutes.

The Chair recognizes the gentleman from Louisiana (Mr. TAUZIN).

## GENERAL LEAVE

Mr. TAUZIN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the legislation.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. TAUZIN. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, it is my privilege to bring before the House the conference report to accompany H.R. 3448, the Public Health Security and Bioterrorism Preparedness and Response Act of 2002. This bill will in short order help ensure America's health security, and I urge my colleagues to join me in sending it to the President's desk.

I want to thank the gentleman from Michigan (Mr. DINGELL), first of all, the ranking minority member of our committee, who, together, with our other members of our committee, put this bill together and secured over 400 votes on this House floor last December for its passage. Now we bring my colleagues back the conference report, bringing together the best of the Senate bill, authored by Senator TED KENNEDY and Senator BILL FRIST, and I want to thank them on the Senate side for their work.

Over 25 Members worked on this conference between the House and Senate, and I want to also thank the Committee on Agriculture and Committee on the Judiciary members, the administration, and the many interested parties who have helped us draft this conference report.

Mr. Speaker, it is crucial that America's public health emergency system be prepared to respond to the new and emerging threats, and we are here to take care of that job today. The conference report makes broad and dramatic investments in our public health infrastructure to help secure our country and provide safety for the American people.

Let me emphasize a few areas. First of all, communications. The conference report will improve communications between all levels of government, public health officials, first responders, health care providers and facilities during emergencies. It authorizes grants in fiscal year 2002 and beyond in grants to State, local governments, public and private health care facilities to improve planning, preparedness, enhance laboratory capacity, educate and train health care personnel.

It will make the Department of Health and Human Services, give it a new focus so they can improve coordination and accountability through a new Assistant Secretary for Emergency Preparedness. We will also ensure that sufficient drugs, vaccines and other supplies are available for our security.

It enhances those controls on deadly biological agents, agents to help prevent bioterrorism to establish a data-

base of dangerous pathogens. It imposes new registration requirements on the most dangerous of those agents and toxins and mandates tough new safety and security requirements to ensure that only legitimate scientists working on appropriate laboratory facilities can gain access to these potential weapons of mass destruction.

The conference report also helps to protect the safety of America's food supply. We are substantially increasing the resources of the FDA so they can hire inspectors at borders and develop new methods to detect contaminated foods. In addition, we are providing the Secretary with the additional regulatory authority he has requested so that FDA can detain foods where there is credible evidence that it is contaminated or poses a threat to human beings.

H.R. 3448 will also ensure that drinking water systems across the country assess their vulnerability to terrorist attacks and develop emergency plans to prepare for and respond to such attacks. Americans deserve to know that we are taking concerted efforts and action today to protect the safe drinking water of our country.

Finally, Mr. Speaker, I am pleased to report that this bill contains a reauthorization of the Prescription Drug User Fee Act, a critical act that provides the money to test prescription drugs before they are authorized by the FDA for use in our society.

Mr. Speaker, I urge my colleagues to support the conference report. This is a critical, must-do piece of legislation to help this country face the new threats we face, and I urge the adoption of this conference report.

On December 20, 2001, Environment and Hazardous Materials Subcommittee Chairman PAUL E. GILLMOR provided a detailed explanation of Title IV for the RECORD as passed by the House. I want to expand upon those remarks and note several aspects of this title as they have been supplemented in conference with the Senate. As evidenced by the conference report to accompany H.R. 3448, the Senate did not have any comparable provisions to Title IV in their bioterrorism legislation. Therefore, the House and Senate conferees utilized Title IV as passed by the House as base text for the final provision.

In this regard, the first and most significant change agreed to by the conferees was the requirement that community water systems submit a written copy of their completed vulnerability assessment to the Administrator of the EPA. The choice of "written copy" in this context is intentional. Since vulnerability assessments contain highly sensitive information, the conference report avoided any requirement or option for electronic submissions and there is no authority for EPA to put such information into its data systems or to create public access of any kind. In addition, the submission requirement applies only to copies of the assessment itself and does not include any supporting documentation, work papers or other preparatory or analytical material.

Second, I would note that the Federal FOIA exemption covering these submissions and information flowing from these submissions is

complete; all information and all information derived from these submissions is exempt from disclosure. Moreover Title IV does not create "FOIA events" at the state and local level since it provides that the requirement to submit a vulnerability assessment to EPA does not create any obligation under State and local law to submit a copy of the assessment to any other governmental authority. And while it permits U.S. officials to "discuss the contents" of the vulnerability assessments with appropriate state and local officials, the substitute does not authorize U.S. officials to provide copies of these assessments to anyone, except as specifically provided in the bill.

Third, EPA is required to handle all submitted information under strict security arrangements and protocols. These protocols are to ensure that no one, other than specifically authorized personnel, have access to any part of the submission or to information derived from the submission. The only allowed exceptions to this restriction are for specified actions under identified sections of the Safe Drinking Water Act. Knowingly or recklessly violating these restrictions is subject to criminal prosecution and fines.

Fourth, it is important to note that the conference agreement on Title IV did not establish any new regulatory role or transfer any new regulatory power to EPA. No new authorities were transferred to the Agency beyond the passive receipt of vulnerability assessments under Section 1433. As noted in the previous statement by Subcommittee Chairman GILLMOR, EPA has no power to promulgate regulations or guidance to define what is an "acceptable" vulnerability assessment; there is only a one-time duty to provide information to community water systems by August 1, 2002. In addition, Section 1433 only defines a vulnerability assessment to the extent that it includes a review of certain specified items, most of which are based on the definition of a public water system under Section 1401 of the SDWA. Thus, no community water system is required to use any particular vulnerability assessment tool, to conduct any specific type of analysis, to determine the consequences of any intentional or terrorist acts, analyze the use of any specific chemicals or characterize the risk of any offsite impacts.

In addition, Section 303 of the conference Substitute authorizes the Secretary to detain a shipment of food where FDA has credible evidence or information indicating that such food "presents a threat of serious adverse health consequences or death to humans or animals." This section does not grant FDA authority to detain whole categories or types of foods, rather it applies to specific shipments or articles of food that the Secretary has credible evidence or information of, based on an investigation, examination or investigation, that they present a threat of serious adverse health consequences or death to humans or animals. The "serious adverse health consequences or death" standard that is used consistently in Title III, Subtitle A was drawn from title 21, Section 7.3 of the Code of Federal Regulations, relating to the situation in which there is a reasonable probability that the use of, or exposure to, a violative product will cause serious adverse health consequences or death.

Furthermore, Section 307 of the Conference Substitute authorizes the Secretary to develop a regulation for prior notice of food imports. In developing such a regulation, the Secretary of

Health and Human Services should coordinate and consult with the Secretary of Treasury regarding the notifications already required by the U.S. Customs Service with the goal of eliminating, reducing or consolidating duplicative or unnecessary notice requirements and minimizing potential trade impacts of the prior notice requirements of this section. Finally, Section 305 of the Conference Substitute does not impose a registration fee.

In addition to my earlier remarks on Title II, I want to clarify two other provisions contained in this important title. First, in both the HHS and USDA regulatory program sections, the conference substitute creates a new notification requirement whenever "a release, meeting criteria established by the Secretary, has occurred outside of the biocontainment area" of a registered person's facility. As is clear from the statutory text—"a release . . . has occurred"—this provision covers actual releases, not threatened or possible releases. Second, the phrase "meeting criteria established by the Secretary" is meant to make clear that we are leaving it up to the two Secretaries to determine, independently, the type or nature of releases to be covered by this provision as it applies to each regulatory regime. We expressly do not intend to incorporate the definitions and interpretations of the term "release" as it is used in a Comprehensive Environmental Response, Compensation, and Liability Act.

Finally, we create a "(b)(3)" statute exempting certain categories of information relating to select agents from the Freedom of Information Act (FOIA). Specifically, we bar disclosure under FOIA of registration and transfer documents, including information derived therefrom that could identify a registered person, or the agents being stored by a registered person; security-related information; and compilations of registration and transfer information. We also protect site-specific information on inspection reports, provided that the agency determines public disclosure would endanger public health and safety. By adding this additional requirement for inspection documents, we are striving to ensure a fair balance between public accountability and security. When a registered person is publicly known to be working with select agents, public disclosure of an inspection report is less likely to endanger public health or safety (provided that security-specific information is redacted), and may improve it by ensuring public accountability. But when the activities of a registered person are not publicly known, revealing the identity and location of a registered person would more likely endanger public health or safety. The agencies will need to consider such matters on a case-by-case basis.

Mr. Speaker, I reserve the balance of my time.

Mr. DINGELL. Mr. Speaker, I yield myself 3 minutes.

(Mr. DINGELL asked and was given permission to revise and extend his remarks.)

Mr. DINGELL. Mr. Speaker, I want to rise first to commend my good friend and colleague, the gentleman from Louisiana (Mr. TAUZIN), for the distinguished work he has done not only on producing a good bill but on producing a good bipartisan bill.

This is a good piece of legislation. Many have worked on it and I can recommend it to the House without res-

ervation. We bring them an excellent legislation to the floor, a matter of great national importance. This is going to improve our preparedness against terrorism. All of us know why the legislation is needed, and now.

The bill, which was sponsored by the gentleman from Louisiana (Mr. TAUZIN) and I and a number of our colleagues, passed the House originally by 418 to 2. The Senate bill, an excellent piece of legislation, sponsored by Senators KENNEDY and FRIST, passed by unanimous consent. It is, as I mentioned, an excellent bill.

The conference report we have now before us is a superb product, thanks to the leadership of the gentleman from Louisiana (Mr. TAUZIN) and Senators KENNEDY and FRIST, as well as all of the conferees who worked very hard on this legislation, and the staff, which deserves great commendation for their labor.

The Act authorizes funds for planning, preparation, and response and activity across the board to deal with those questions, with special emphasis on the State and local level, an area where there is needed and necessary concern. It is hoped that this bill will then make it possible for those who will be provided in this bill and their funding to move directly to the front lines where they are needed, and that will include assistance in shoring up our frayed public health network and our first responders, who are largely officers of the local and State governments.

The bill has important new protections for the food supply of the Nation, an area of particular and long-standing concern. We provide new inspection resources for imported food, but these will only be a down payment on what is ultimately going to be necessary.

Other new authorities are included in the report, registration and detention provisions of the legislation which will help the Secretary to manage imports more efficiently and effectively in the public interest and in the interest of consumers.

There are many other excellent provisions, including improvement in drinking water supply safety, tighter controls on dangerous biological agents. These are important steps and they must be taken now.

Finally, we reauthorize the Prescription Drug User Fee Act which has led to faster FDA approvals of prescription drug applications, and we increase funding for drug safety efforts.

I repeat, this is a good bill. It is an excellent start as our Nation works to improve its abilities to defend against an assault by enemies using biologic agents and other kinds of agents to create danger, hazard and death for our American people.

Mr. Speaker, I reserve the balance of my time, and I ask unanimous consent to yield the balance of my time to the gentleman from Ohio (Mr. BROWN) for him to control on behalf of the minority.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. TAUZIN. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Georgia (Mr. NORWOOD), a distinguished member of our committee.

Mr. NORWOOD. Mr. Speaker, I just want to point out that this bill represents a mammoth undertaking by the Committee on Energy and Commerce, and I would like to compliment the hard work done by the gentleman from Louisiana (Mr. TAUZIN), the chairman, and the gentleman from Michigan (Mr. DINGELL), the ranking member, in bringing this important legislation to the floor. It is something that we must pass, we must get into law immediately, and I am delighted that we are doing so in a bipartisan way.

There are things I would like to see different in this bill, as I presume most Members would, but we simply do not have that luxury. We have to find a way to protect the American people from bioterrorism today with a bill that can become law immediately.

The gentleman from Louisiana (Mr. TAUZIN) and the gentleman from Michigan (Mr. DINGELL) and too many others to mention have actually found that way in this bill. This bill will provide additional support for the Centers for Disease Control and Prevention, and I want to thank the gentleman from Georgia (Mr. CHAMBLISS), my good, dear friend, for his work in that area, as well as the public and private health care systems throughout America's local communities.

It will improve communication among all levels of government, which is where we clearly have the greatest problem at present. It provides a stockpile of sufficient drugs, vaccines and other supplies that we found we were short of when forced to abandon our offices to anthrax last year. It encourages a development of new drugs and vaccines to combat bioterrorism, and it increases the security at our borders and for our food and drug supplies and waterworks.

I compliment the chairman for getting the Prescription Drug User Fee Act reauthorized through 2007 as an important precursor to solving the long-term challenges of the prescription drug cost.

Mr. Speaker, we can make improvements later. We need action yesterday. I urge the passage of this bill today.

Mr. BROWN of Ohio. Mr. Speaker, I yield myself 4 minutes.

American lives depend on the strength and the reach and the cohesiveness of our public health system. For far too long, we have neglected our public health infrastructure, the men and women on the front lines, and the resources they need to do their job.

This bill makes a new investment in the Nation's public health and vaccines and in food safety. I am particularly gratified by the strong language concerning antibiotic resistance and the

very positive work we have done to improve the safety of imported food.

I want to recognize the hard work of staff who has been laboring over this bill for several months, pulling some all-night sessions, long weekend sessions. On the Committee on Energy and Commerce, Edith Hollaman and John Ford and Bruce Guinn and Jonathan Cordone on the minority; and with the majority, Nandan Kenkeremath, Amit Sachdev, Tom DeLinge and Pat Morrissey; also with the gentleman from California's (Mr. WAXMAN) office, Ann Witt; and especially three people in my office, Ellie Dghongy, Katie Porter and Earl Seeley, for their outstanding work on this very complicated and extraordinarily complex issue.

□ 1215

This legislation authorizes PDUFA, the Prescription Drug User Fee Act. By increasing the resources available to FDA, PDUFA has enabled the agency to reduce the time needed to assess safety and efficacy of new prescription drugs. Expediting access to beneficial new medicines is good for consumers and good for public health. However, more rapid approval times, coupled with increasingly aggressive marketing by drug manufacturers, all too often have safety consequences.

More new drugs in the marketplace, more Americans taking these drugs due to the barrage of direct-to-consumer advertising, if a lethal side effect surfaces once a new drug hits the market, millions of Americans are affected. That is why it is critical to bolster FDA's drug safety capabilities. One of the most important provisions in this bill enables FDA to devote a portion of the user fees it collects from the drug industry to enhance its pre- and post-market drug safety functions.

We took steps to ensure that the focus on rapid approval time does not put pressure on FDA to drain resources from other important functions, like drug safety, like the review of drug advertising, and, importantly, the review of generic drugs. We also laid the groundwork for improving the process by which drug user fees are established.

The public interest is never served when a regulatory body and the industry it regulates get too close. FDA depends on user fees from the industry it regulates, consumers depend on FDA to focus on public health and public safety, not on drug industry profits. FDA has established performance goals to demonstrate that it is applying the user fees in an effective manner. Historically, the drug industry and FDA have jointly established these goals behind closed doors.

We have taken steps to make sure consumers are part of that process. Regardless of where the revenues come from, FDA's responsibility is the consumer, not the drug industry, something they need to always remember. Any and every goal it sets should reflect that fact.

Mr. Speaker, I want to briefly mention one disappointment in this process. Last year, we passed legislation giving the drug industry a patent extension if they conduct tests to make sure their drugs are safe in children. Some of us question why the Federal Government had to bribe drug companies in order to get them to do tests that should be mandatory. We know many new drugs are prescribed for kids now. We know doctors are forced to fly blind, making decisions about the right medicine, the right dose, without the benefit of clinical testing.

We were told the patent extension incentive was important to get drug companies to conduct tests on drugs already on the market, but that the bill did not supplant FDA's authority to require the testing for new drugs. Well, it appears the drug industry and my Republican colleagues, who on this issue apparently are doing its bidding, have changed their mind. The administration has waffled on whether to maintain the regulations that affirm the testing requirement.

My colleague, the gentleman from California (Mr. WAXMAN) has introduced legislation to codify that requirement, in other words, to ensure that children receive the proper drugs in the proper dosage. If we could depend on the drug industry to make sure their drugs are safe, the drug industry would not be fighting regulations that require them to do so.

Other than those small number of criticisms, Mr. Speaker, this is good legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. TAUZIN. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Florida (Mr. BILIRAKIS), the chairman of the Subcommittee on Health of the Committee on Energy and Commerce.

Mr. BILIRAKIS. Mr. Speaker, I thank the gentleman for yielding me this time, and I rise in support of the conference report.

This important legislation strengthens our ability as a country to detect and respond to bioterrorist threats or attacks. Just this week, the Vice President stated that another terrorist assault is almost certain. Therefore, Mr. Speaker, it is crucial that we quickly pass this legislation and send it to the President for his signature.

The legislation is a strong and comprehensive measure that enhances the security of our Nation. First, we strengthen our public health systems by increasing State and local preparedness to detect and respond to an attack. Secondly, this bill enhances security measures in relation to the handling, transport and storage of dangerous substances. Third, we strengthen our Nation's food security systems. And, fourth, we improve the safety and security of our drinking water systems.

Mr. Speaker, this is a comprehensive approach and a meaningful step to improve our Nation's security systems.

The conference report includes provisions to reauthorize the Prescription Drug User Fee Act. This is critically important, because without this program the Food and Drug Administration would have lost millions of dollars and numerous personnel which are used to review and approve lifesaving medicines. I am very pleased we worked in a truly bipartisan, bicameral manner to reauthorize this program.

Unfortunately, we were not able to reach resolution on medical device changes. But I am committed, Mr. Speaker, I like to think we all are, to working to update device laws this year.

I want to take a moment to thank the staff who worked so hard to complete this legislation, particularly to single out Pete Goodloe, the House's Legislative Counsel. We would not have been able to complete this legislation in a timely fashion without his expert services.

Unfortunately, there are so many other staff that have worked so hard, I am unable to name each of them here today. But please know that our country will be better prepared in the future because of your hard work.

Mr. Speaker, this is a strong measure supported by all the conferees, and I urge my colleagues to support this conference report.

Mr. BROWN of Ohio. Mr. Speaker, I yield such time as he may consume to my friend, the gentleman from Texas (Mr. STENHOLM).

(Mr. STENHOLM asked and was given permission to revise and extend his remarks.)

Mr. STENHOLM. Mr. Speaker, I rise in support of H.R. 3448.

Mr. Speaker, I rise today in support of H.R. 3448, the Bioterrorism Preparedness Act conference report. I appreciate the work that Chairman TAUZIN and Ranking Member DINGELL have put into this bill, and I want to thank them both for the respectful and helpful way they have dealt with concerns raised by the agricultural community.

However, I do need to express my concerns about the thoroughness of the process in regard to many provisions under the jurisdiction of the House Agriculture Committee. I would have been much more comfortable with a more deliberative process, including a hearing record and outside input.

The conference report includes significant changes in the following areas: the regulation of biological research facilities; changes in the way our food is inspected; changes to human and animal disease monitoring efforts, and many more.

Many of the provisions of this conference report appear to be needed, and are very logical in light of our Nation's current security concerns. For example, language in this agreement to coordinate and enhance our control of dangerous biological agents and toxins is certainly timely and important. In addition, this conference agreement contains needed authorizations to upgrade and secure facilities working with biological agents, both for human and animal disease research.

Given the importance of these issues, along with the willingness of the other conference

members to make a few important changes to the bill, I am going to support the conference agreement. Still, I feel I must reiterate that it would have been better if many of the provisions in this agreement, the majority of which are not emergency in nature, had gone through a more thorough and regular legislative process.

Given the reality of the choices before us today, and the importance of some of the provisions in this legislation, I urge Members to support passage of the conference report.

Mr. BROWN of Ohio. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Ms. HARMAN), a member of the committee.

Ms. HARMAN. Mr. Speaker, I thank the gentleman for yielding me this time; and I hope that he will add my staffer, Carolyn Cobberly, to the list of brilliant staffers who have added to this legislation.

Mr. Speaker, serving on the Committee on Energy and Commerce is a high honor. The chance to work on impressive bipartisan legislation like this is why I came to Congress.

The possibility of another bioterrorist attack is real and our Nation must be prepared to respond. Our top priority must be to develop a national strategy to identify the most likely threats and prioritize our response. We already know that al Qaeda and rogue states like Iraq have attempted to acquire biological agents, and we have yet to discover and prosecute the individual or group responsible for the anthrax attacks that killed five people in October and November.

Our government's response to the bioterrorist attacks of October and November was deeply flawed. We have talented people, but we have been lacking the resources and coordination to make our response effective. We must act now to improve our terrorism response before another tragedy occurs.

This legislation moves us in the right direction. It creates lines of communication and organizations to coordinate the roles that our public health agencies, military, and FBI will play in bioterrorism response. It also directs substantial investments to the State and local governments that need it most. All terrorism is local, and our response must be local. This bill provides resources where they are needed most.

I am particularly glad that this bill includes funds to speed up the renovation of CDC's buildings and facilities. I have visited the Centers for Disease Control and Prevention in Atlanta and seen talented people working there in the shabbiest conditions. This legislation authorizes \$300 million in each of the next 2 years to improve the security of CDC facilities and construct much-needed research facilities.

I am also glad this bill will increase our investment in improving the IT capabilities of public health agencies across the Nation. One-third of public health agencies are not connected to the Internet. If we are to communicate effectively, we need to develop comprehensive, syndromic surveillance

systems to detect the outbreak of diseases, and we need to have all public health agencies on line.

This bill is excellent legislation, and I urge its passage.

Mr. TAUZIN. Mr. Speaker, I am pleased to yield 5 minutes to the gentleman from North Carolina (Mr. BURR), the distinguished vice chairman of the full committee.

Mr. BURR of North Carolina. Mr. Speaker, I thank the chairman of the Committee on Energy and Commerce for yielding me this time.

At this time, Mr. Speaker, let me recognize the tremendous work of the chairman, of the ranking member, the gentleman from Michigan (Mr. DINGELL), Senator KENNEDY, Senator FRIST, who headed the Senate side, but more importantly the great work of committee and personal staffs of all the Members who served on that conference. This was not an easy thing to hammer out. It took many late nights on the part of staff. There was a lot of give and take; but it meant that something that was important to this country, something that was timely and urgent, actually got addressed in a sufficient way.

Mr. Speaker, I rise today in support of the conference report. This legislation has been long in the making and is long overdue when we look at what we have gone through. But H.R. 3448 puts in motion the resources, \$4.6 billion in 2 years, and authorities needed to close the gaps in our Nation's public health infrastructure.

I would like to speak briefly about a few of the many important provisions included in this bill. I am grateful that the managers agreed to retain the provisions authorizing the National Medical Response System. These provisions are built around legislation introduced earlier and recognize the critical role played by personnel of the National Disaster Medical Response Teams in responding to all disasters, not just bioterrorism. The members of the National Disaster Medical Response Teams are nearly all volunteers who are called away from their real jobs on a moment's notice, and they deserve the liability and job protections we extend to them in this bill.

I am also pleased the managers recognized the need to revitalize and modernize the lab facilities and other buildings at the Centers for Disease Control. This section, which builds on the hard work of the gentleman from Georgia (Mr. CHAMBLISS), the gentlewoman from California (Ms. HARMAN), and the gentleman from Georgia (Mr. LINDER) and their bill H.R. 3219, authorizes a dramatic ramp-up in our facility spending for the CDC.

The legislation also takes into account the central role played by the centers in operating and maintaining a robust public health communications and surveillance system that we were shocked to find out was not electronically connected to every public health entity in this country. But after this

bill, it will be connected. The centers are a national asset, and they need our support in order to carry out their very important mission.

The grant program authorized in this legislation, Mr. Speaker, is the real heart of this bill. Building on the work being done on an emergency basis by the administration, these grants will enable our State and local governments as well as hospitals to train personnel, purchase needed equipment, and strengthen the communication and disease surveillance that they have done up to this point. It is our hope spending in these areas will not only help improve our ability to respond to bioterrorist attacks but also strengthen critical elements in our overall public health system.

The bill also tightens control on access to dangerous biological agents and toxins by establishing a reporting and tracking system that was not in place. We do not mean to introduce these provisions to be burdensome on researchers, but as we have learned post-September 11, our ability to know where these agents and toxins are is vitally important.

Title 3 strengthens the safety of the food and drug supply in the United States. I believe that with subsequent regulations from HHS, we found a balance between information requirements and information activities. None of us want to make it a burden to import food and bulk drugs. But after 9-11, we realized we have to have a better handle on the items that cross our borders and where they are.

In this legislation, Mr. Speaker, we also reauthorize the Prescription Drug User Fee Act. The last time we reauthorized this act was when we passed the food, drug modernization act in 1997. This time, PDUFA is reauthorized with increased emphasis on post-market surveillance and generic drug review. The FDA and patients across the United States will benefit greatly from this legislation and that reauthorization.

Finally, let me once again extend my thanks to the many personal and committee staffs on both sides of the Hill who put really invaluable time into working out the differences on this. Like many others, it is not perfect; but it is pretty darn good. It is this legislation will go a long way in restoring the viability of our Nation's public health infrastructure at a time when it is vitally needed.

Mr. Speaker, today I urge my colleagues to support this conference report, support the good work of the House and the Senate, and let us move forward with rebuilding things that we know now we need to rebuild.

Mr. BROWN of Ohio. Mr. Speaker, I yield 1 minute to the gentleman from Massachusetts (Mr. MARKEY).

□ 1230

Mr. MARKEY. Mr. Speaker, the litany of saints has been mentioned of staffers who have worked on this bill. I



would like to add just two more: one is Jeff Duncan, who is my legislative staff director; the other is Kristen Kulinowski, who is in the gallery right now with her mother and father and husband, who worked on the provision that will provide for the Federal Government to give to the States or to local communities who request it the potassium iodide which would serve as the antidote to thyroid cancer which is the very real and greatest danger in the event of a successful attack of a bioterrorist group at a nuclear power plant or an unwanted accident at a power plant.

And so this is a huge step forward, which I believe is going to really increase public health and safety. I want to thank the majority for their great assistance on this and thank all the people in the minority as well for their great help.

Mr. Speaker, I rise to commend the conferees for their hard work on this important bill. H.R. 3448 includes a provision of mine that will take an important step toward protecting public health in the event of an act of terrorism at our Nation's nuclear power plants. I thank Mr. TAUZIN for working with me in the House Energy and Commerce Committee to include a provision on stockpiling potassium iodide to protect public health in the event of a successful terrorist attack against a nuclear power plant. Potassium iodide is a safe and effective drug that protects the thyroid gland by saturating it with a safe form of iodine so that it cannot absorb the radioactive iodine produced during the plant's normal operation.

My provision, which was adopted in committee and passed by the House with broad bipartisan support, will provide greater protection of public health than existing programs. The Nuclear Regulatory Commission has a voluntary program that provides States with free potassium iodide for people within 10 miles. However, a State must submit a formal request to the NRC to get the free pills, and some States have refused to do so. My provision allowed States or local governments to request potassium iodide for people within 20 miles of these plants, thus expanding the radius of protection beyond the 10-mile emergency planning zone, and would have allowed local governments to request this important protection even if the State had refused to accept the NRC's offer.

The bioterrorism bill that was passed by the Senate had no potassium iodide provision, so we worked together in conference committee to produce the amended provision under consideration today in title 1, section 127. This amended provision directs the President to provide potassium iodide to States and local governments, and provides a mechanism for local governments to request the pills where the State has not done so. The local government is eligible to request potassium iodide from the President only if the State government does not have a plan for stockpiling or has a plan that does not go beyond 10 miles. The local government must first petition the State to modify the State's plan to include the population requested by the local government. If the State does not modify its plan, the local government must submit a stockpiling and distribution plan to the State and the State must certify that the local government's plan is not inconsistent with the State's emergency plans.

In addition, the conferees agreed to commission a study by the National Academies on the most effective and safe way to distribute and administer potassium iodide on a mass scale. I wish to make clear that this study will not consider the overall safety and efficacy of potassium iodide as a medical preventative to thyroid diseases caused by exposure to radioactive iodine. The Food and Drug Administration, Nuclear Regulatory Agency, and Federal Emergency Management Agency have all concluded that potassium iodide is safe and effective. In fact, the FDA has stated that the risks of radiation-induced thyroid cancer in children so far outweigh the negligible risk of side effects, that it is better for a child to take a full adult dose than to take no potassium iodide at all. Thus, the study will only address how best to incorporate potassium iodide into a comprehensive emergency plan that may include evacuation and sheltering.

One thing I would like the National Academies study to consider is whether a 20-mile radius goes far enough to protect people in the event of a core melt-through plus breach of containment. The Nuclear Regulatory Commission's own documents show a significant risk to the thyroid as far away as 200 miles from the plant in such a scenario, yet the official evacuation zone only extends to 10 miles. The NRC disputes this documentation yet has failed to produce for me any new studies that justify the 10-mile zone. The Chernobyl accident resulted in increased thyroid cancers hundreds of miles from the plant. I would strongly recommend the National Academies study whether 20 miles is sufficient.

While this provision doesn't go as far as I would like, it is an important first step in expanding the radius of protection from nuclear terrorism. I thank all the members of the conference committee who worked on this bill and I urge my colleagues to vote for its passage.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

THE SPEAKER pro tempore (Mr. LAHOOD). The Chair would remind Members not to refer to people in the gallery.

Mr. TAUZIN. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Illinois (Mr. SHIMKUS), a distinguished lieutenant colonel.

(Mr. SHIMKUS asked and was given permission to revise and extend his remarks.)

Mr. SHIMKUS. Mr. Speaker, the committee and our work, especially the Committee on Energy and Commerce, is two-for-two, 2 days in a row, two good bills, bipartisan agreement. I want to applaud both our majority side and our colleagues on the other side for two good pieces of legislation.

Since the attacks of September 11 and the recent anthrax exposures, our Nation has had to reevaluate its ability to respond to a bioterrorism attack. The anthrax attacks, though small in scale compared to the scenarios envisioned by bioterrorism experts, strained the public health system and raised concern that the Nation is insufficiently prepared to respond to bioterrorist attacks. Improving public health preparedness, food safety protection, and response capacity offers protection not only from bioterrorist attacks but also from naturally occurring public health emergencies.

This conference report substantially improves our country's ability to plan and prepare for such an emergency. It increases the ability of the Federal Government and communities to plan for any future biological emergencies. This includes improving communications and the public information flow, updating lab capabilities, authorizing a national stockpile, and assisting our health care providers to be prepared to provide care.

In particular, Mr. Speaker, title II of this legislation creates a list of all biological agents and toxins and regulates which individuals can work with them. As many of the Members are aware, the Justice Department will start giving lie detector tests to hundreds of current and former Federal employees who worked at two Federal facilities where anthrax was kept. One former researcher at one of the labs said that nothing was in place to prevent workers from removing the deadly germs from the labs. This legislation will make sure that the government is well aware where these dangerous toxins and agents are being researched and stored and exactly who will be doing the research. If this provision had been in place prior to last year, the anthrax attacks might have been prevented.

In addition, title I of this bill includes a provision that addresses health personnel shortages that would impact the ability of the Nation to respond during a bioterrorism attack. The bill establishes grants for training and education of these critical health care providers.

I ask for full support of this bill.

Mr. BROWN of Ohio. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Mrs. CAPPS), a registered nurse who is on our committee.

Mrs. CAPPS. I thank my colleague for yielding time.

Mr. Speaker, I rise in support of the conference report on the bioterrorism preparedness bill. This bill is a good example of what we can accomplish when we work together. The bill we produced under the leadership of Chairman TAUZIN and Ranking Member DINGELL will strengthen our public health infrastructure and make a much-needed increase in resources for food and water safety and security.

I am very pleased that one of my bills, the Community AED Act, was included in this legislation. I introduced this bill earlier this year with my colleague, the gentleman from Illinois (Mr. SHIMKUS). It will help local communities place automatic external defibrillators in public places. Quick access to AEDs can mean the difference between life and death for victims of sudden cardiac arrest. Making sure AEDs are readily available will improve our ability to cope with public health emergencies.

I am also pleased that this bill sets aside funds to train health care workers to identify and treat symptoms of bioterrorism. And it provides the Secretary of Health and Human Services



with a small pool of funds to address workforce shortages. But as a part of our goal of preparing for bioterrorism, we still need to do more to address the shortage of nurses. Nurses, for example, will be called upon to deal with patients who may have been infected by a biological agent, and we do not have enough nurses. That is why I have been working with Chairman TAUZIN, Chairman BILIRAKIS, the gentleman from Michigan (Mr. DINGELL), the gentleman from Ohio (Mr. BROWN), and others in the House and Senate to complete the Nurse Reinvestment Act passed here last year. The passage of this nursing legislation as a complement to the bill before us today is essential to making us ready for bioterrorism.

I am pleased that Chairman TAUZIN and Chairman BILIRAKIS have given me their assurances that we will finish this bill by the end of June. These bills together can help our Nation be ready for tragedies we do not even want to imagine.

I urge my colleagues to support this bioterrorism bill and commit to final passage of the Nurse Reinvestment Act.

Mr. TAUZIN. Mr. Speaker, I am pleased to yield 1 minute to the gentleman from South Dakota (Mr. THUNE) from the Committee on Agriculture which contributed a great deal to this bill.

Mr. THUNE. Mr. Speaker, I thank the gentleman for yielding time. I want to commend the gentleman from Louisiana (Mr. TAUZIN) for his hard work in bringing together different bills in a bipartisan way that meet the public health threats that we face as a Nation. I particularly want to thank both Chairman TAUZIN and Chairman COMBEST for including language in this bill to authorize an agricultural bioterrorism early-warning surveillance system for animal diagnostic laboratories. This network will provide early detection of bioterrorist events, natural or intentional contamination of our food supply, animal disease outbreaks involving agents which impact human health and early recognition of newly emergent and economically important diseases such as foot and mouth disease. The network will also enhance coordination between State and Federal laboratories as well as public health agencies. In my State, South Dakota State University will benefit greatly from this particular provision.

Mr. Speaker, the infrastructure our Nation needs to protect and prepare itself for bioterror attacks cannot be overlooked. This legislation meets those needs so that people across our Nation can feel safe and secure with the understanding that should the worst happen, we will be ready.

I ask my colleagues to support the conference report.

Since the attacks of September 11th we have all become far more sensitive to the threat of a bioterrorist attack here at home. It is critical that our citizens feel secure at home, that our first responders are properly trained

and prepared and that the food that crosses our borders is safe.

I want to thank my colleague Chairman BILLY TAUZIN for his hard work to bring two different bills together in a bipartisan compromise that meets the public health threats we face as a Nation. This bill uses new ideas and new resources to help government officials at every level prepare for bioterrorist threats and public health emergencies.

The bill authorizes more than \$1.5 billion in grants to improve bioterror planning and preparedness and to develop new drugs, therapies and vaccines.

The bill authorizes \$300 million for the Centers for Disease Control and Prevention to upgrade and improve their facilities and capabilities.

The bill authorizes more than \$1.15 billion for the Secretary of Health and Human Services to expand medicine stockpiles and the purchase of additional small pox vaccines.

The bill also grants authority to USDA to impose new registration requirements to regulate those agents that are most devastating to crops and livestock. Additionally, the bill creates tough new criminal penalties to enforce these important new regulations.

Importantly, the bill authorizes \$545 million for FDA and USDA to hire hundreds of new inspectors at our borders and to develop new methods to detect contaminated foods. The bill also provides new regulatory powers to FDA to safeguard our food supply. These new resources and authorities will substantially improve the federal government's ability to ensure the safety of America's food supply.

Finally, I would like to thank both Chairman TAUZIN and Chairman COMBEST for including language to authorize an agricultural bioterrorism early warning surveillance system for animal diagnostic laboratories. This network will provide early detection of bioterrorist events, natural or intentional contamination of our food supply, animal disease outbreaks involving agents which impact human health and early recognition of newly emergent and economically important diseases such as Foot and Mouth Disease. The network will also enhance coordination between State and Federal laboratories, as well as public health agencies. In my state, South Dakota State University will benefit greatly from this provision.

Mr. Speaker, the infrastructure our nation needs to protect and prepare itself for bioterror attack cannot be overlooked. This legislation meets those needs so that people across our Nation can feel safe with the understanding that should the worst happen we will be ready.

Mr. BROWN of Ohio. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. PALLONE), who is a leading force on the Subcommittee on Health.

Mr. PALLONE. Mr. Speaker, I rise today in support of the conference report. As a conferee on title IV, the drinking water security and safety provisions, I am very pleased with the compromise that was reached. Title IV of this bill includes strong provisions that will, first, require community water systems to conduct detailed assessments of their vulnerability to attack by terrorists and of available remedies; and, second, require EPA experts to review the findings of the vulnerability assessments.

An FBI warning issued in January of this year notified water officials that Osama bin Laden's al Qaeda network had considered and investigated the possibility of attacking water distribution systems. That is why my colleagues and I thought it was absolutely critical that the final bioterrorism legislation address this issue.

The final bill assures that all vulnerabilities to terrorist attacks, including attacks intended to contaminate the water supply and to release chemicals into neighboring communities, are identified and that available safety measures are evaluated. The bill accomplishes this by requiring community water systems serving over 3,300 persons to conduct vulnerability assessments. Each community water system must certify to the administrator of the EPA that they have conducted a vulnerability assessment. The administrator is also required to provide baseline information regarding which kinds of terrorist attacks or other intentional acts are probable threats. Then these vulnerability assessments, once completed, will be sent to the EPA for secure keeping and to help the government understand the threats to our water systems and develop plans to protect our safe drinking water supply. We authorize \$160 million through fiscal year 2005 for this goal.

I want to thank the gentleman from California (Mr. WAXMAN). The language in title IV is a tremendous improvement over the House-passed bill. I would also like to thank the conferees and the staff on the Democratic side, Dick Frandsen, also Greg Dotson with the gentleman from California's office, and Heather Zichal with my office.

This is a good bill. I urge its passage.

Mr. TAUZIN. Mr. Speaker, I am pleased to yield 1 minute to the gentleman from Indiana (Mr. BUYER), a distinguished and valued member of the Committee on Energy and Commerce.

Mr. BUYER. Mr. Speaker, I would like to thank Chairman TAUZIN and Ranking Member DINGELL for their diligence and hard work on the conference report. Also after September 11 as we were coming together to put together a bioterrorism bill, Chairman TAUZIN gave me an assignment. Given my expertise with regard to the Department of Defense military health delivery system and the VA, it was to actually draft a medical education piece, a component of this bill. The expertise with regard to how to identify and treat chemical and radiological agents and biological toxins and pathogens rests with the Department of Defense. We have taken this knowledge from the DOD and moved it into the VA because of the VA's nexus as teaching hospitals. We are not going to establish new community standards of medical practice, that is what is extremely important here, but we are going to make sure that our first responders, our doctors, are able to identify and treat these new threats in the future. That is what this bill does.

I want to thank the chairman and the gentleman from Michigan for their hard work at the conference, along with the gentleman from Ohio (Mr. BROWN). I appreciate their work.

Mr. BROWN of Ohio. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. WAXMAN), whose two staff people, Karen Nelson and Tim Westmoreland, did particularly outstanding work. He was on the conference committee with the gentleman from New Jersey (Mr. PALLONE).

Mr. WAXMAN. Mr. Speaker, I thank the gentleman for yielding me time. I want to congratulate the leadership of our committee on both the Republican and the Democratic side and all the staffs who worked on this legislation and urge support for the conference report. It includes many valuable provisions that deserve our support. In particular, it provides significant funding to the Centers for Disease Control and Prevention and to State and local public health systems and hospitals to improve their ability to respond to bioterrorist attacks and other public health emergencies.

The report also includes important new food safety authority to the Food and Drug Administration, authority that will be essential in the event of a bioterrorist attack.

I am also pleased that we were able to make significant improvements to title IV of this legislation to help protect the Nation's drinking water from terrorist attack. Under these provisions, community water systems will prepare vulnerability assessments and provide these assessments to EPA. EPA will then be able to use the assessments to address the threat of terrorism and for any other lawful purpose. These provisions are a step forward. I am glad they have been included in this legislation.

This conference report includes many valuable provisions that deserve our support. In particular, it provides significant funding to the Centers for Disease Control and Prevention and to State and local public health systems and hospitals to improve their ability to respond to bioterrorist attacks and other public health emergencies.

The report also includes important new food safety authority to the Food and Drug Administration—authority which will be essential in the event of a bioterrorist attack. The report authorizes the FDA to: Require food companies to register with the FDA their names and locations; detain food if there is information that it may present a serious risk to health, either at the border or in domestic commerce; require importers to give the FDA prior notice that a food will be coming into the US; require food companies to keep records that will assist the FDA to trace contaminated food; and inspect food establishments when there is a reason to believe that they are holding food that presents a serious risk to health.

We were also able to make significant improvements to Title IV of this legislation to help protect the nation's drinking water from terrorist attack. Under these provisions, community water systems will prepare vulnerability assessments, and provide those assessments to EPA.

EPA will then be able to use the assessments for a number of critical purposes: To ensure that vulnerabilities are being adequately assessed; to ensure that federal grants are awarded appropriately; to conduct thorough inspections under the Safe Drinking Water Act; to address significant vulnerabilities under section 1431 of the Safe Drinking Water Act; to share with law enforcement and intelligence agencies; and for any other lawful purpose.

I would also note that the report contains reauthorization of the Prescription Drug User Fee Act. For the first time, we have included provisions that will allow the FDA to use user fee money to watch over the safety of drugs after they are marketed. This is of great importance, particularly at a time when questions have been raised about whether faster drug approvals have undercut drug safety.

These provisions are a step forward, and I am glad they have been included in this legislation.

Mr. TAUZIN. Mr. Speaker, I am pleased to yield 1 minute to the gentleman from Ohio (Mr. GILLMOR), the distinguished chairman of the Subcommittee on Environment and Hazardous Materials of the Committee on Energy and Commerce.

Mr. GILLMOR. Mr. Speaker, I want to commend Chairman TAUZIN, Ranking Member DINGELL, and the others who have worked so hard to produce a conference committee report that certainly I am in very strong support of.

In particular, I want to highlight the need to support the drinking water protection provisions contained in title IV. Just yesterday, newspapers were running front page stories about New York City worrying about the vulnerability of their water system. As chairman of the Subcommittee on Environment and Hazardous Materials, I am pleased that our committee is tackling that issue, which is a serious concern not only of some of our biggest systems but some of our medium and small-sized systems as well.

I believe the original House language on title IV was preferable to the provisions in the conference report, but I am glad we were able to retain the core features of the House bill. Specifically, we require drinking water systems to do vulnerability assessments and to compile emergency response plans. In addition, we provide money for mandates and establish emergency funds.

I strongly support the bill.

As chairman of the Environment and Hazardous Materials Subcommittee of the House Energy and Commerce Committee, which has jurisdiction over the Safe Drinking Water Act, I am taking this opportunity to elaborate on and clarify the provisions of the conference report on Title IV of H.R. 3448, the Public Health Security and Bioterrorism Preparedness Response Act of 2002. I want to provide a more detailed explanation of Title IV for the RECORD.

Title IV of the Public Health Security and Bioterrorism Preparedness Response Act of 2001 requires community water systems serving over 3,300 individuals to conduct vulnerability assessments and to prepare or revise emergency response plans which incorporate

the results of the vulnerability assessment. The legislation, however, also recognizes that many community water systems have conducted or will be in the process of conducting vulnerability assessments at the time of enactment. Title IV is thus explicitly drafted not to create a regulatory program which could slow down ongoing efforts or to require systems that have completed vulnerability assessments to undertake another such assessment. The title only requires that systems certify that an assessment has been completed by a specific date, not that the assessment was initiated and/or completed before or after the date of enactment. Moreover, the title only requires that systems submit a written copy of the assessment to the Administrator of EPA. Thus, the title does not require that any preparatory or supplementary material or analysis be provided to the Agency.

By only requiring submission of a written copy, Title IV recognizes that vulnerability assessments can contain highly sensitive information which would pose a danger if disclosed. The conference agreement on Title IV did not include any requirement or option for the submission of these assessments in electronic form. This recognizes that the information protocols required under Title IV will tightly control access to the assessments and that these documents will not be available or placed on EPA electronic systems which have been demonstrated to be vulnerable to unauthorized access.

Title IV requires strict security arrangements, procedures, equipment and locations be established at EPA before the Agency shall receive the submitted written copies of vulnerability assessments. These protocols are to ensure that no one, other than specifically authorized individuals, have any access to any part of the submission or to information derived from the submission. Only very specific exceptions to these restrictions are allowed under Title IV and knowingly or recklessly violating these restrictions carries with it criminal sanctions of both imprisonment and fines.

Title IV does not create a regulatory role for the Environmental Protection Agency (EPA) in defining what is or is not an acceptable vulnerability assessment. EPA is provided no regulatory authority in this regard; instead, the Agency is only to provide information once to community water systems (by August 1, 2002) regarding what kinds of terrorist attacks are probable threats. EPA is to coordinate its efforts with other agencies and departments of government who have expertise in this area, to compile information readily available or already developed, and to promptly distribute this information. The statute does not provide a continuing duty for EPA in this area past the date specified in the legislation.

In this regard, vulnerability assessments are defined in statute only to the extent that they include a review of certain specified items. These items are those which make up the physical structure of a public water system (as defined in section 1401 of the Safe Drinking Water Act (SDWA)), electronic, computer or other automated systems, physical barriers, the use, storage, or handling of various chemicals and the operation and maintenance of a drinking water system. Title IV recognizes that there are many different types and sizes of community water systems (CWS) and gives CWS wide discretion to devise and conduct a vulnerability assessment. EPA is not given any

rulemaking or other authority to define further what is or is not a vulnerability assessment meeting the requirements of section 1433. Nor does Title IV require that a community water system utilize any particular vulnerability assessment tool, or conduct any specific type of analysis. Community water systems are not required to determine the consequences of intentional acts or terrorist acts, analyze their use of specific chemicals, including chlorine, as opposed to other chemicals, or to characterize the risk of any offsite impacts. Further, the term "physical barriers" does not necessarily include "buffer zones" or any other area around physical structures.

Title IV recognizes that vulnerability assessments could contain very sensitive information about a drinking water system which would be of assistance to a terrorist or an individual contemplating an attack. Therefore, Title IV provides a full, complete and airtight exemption from disclosure under the federal FOIA requirement (5 U.S.C. 552) for all information submitted to EPA and any information derived therefrom. Further, the Title addresses the situation where a state or local FOIA requirement could be "triggered" by submission of a written copy of a vulnerability assessment to EPA. The Title provides that no community water system will be compelled to submit a copy of the vulnerability assessment to any governmental entity that is occasioned by the requirement that the system submit such assessment to EPA.

Title IV does not contain any requirement that the EPA or any other governmental body receive for review emergency response plans prepared by water systems. Nor does Title IV contain any requirement that community water systems provide such information to EPA or to any other person or governmental entity. Community water systems are to coordinate with local emergency planning committees (LEPCs) in the preparation or revision of emergency response plans for the purpose of avoiding duplication of effort and taking advantage of previous information developed by the LEPCs for first responders and local government response. There is no requirement that community water systems disclose any of the information developed by the vulnerability assessments to the LEPCs.

The legislation authorizes EPA to provide financial assistance to CWS for several specified purposes. EPA may provide assistance for vulnerability assessments, for developing or revising emergency response plans and for expenses and contracts designed to address basic security enhancements of critical importance and significant threats to public health. The Title also authorizes assistance for small water systems and immediate and urgent security needs, subject to limits specified in the Title. Title IV does not define either "basic security enhancements of critical importance" or "significant threats to public health." However, existing SDWA programs which provide assistance to water systems have not provided assistance for continuing expenses such as operations and maintenance or personnel expenses. This legislation does not change this long-established public policy and specifically indicates that basic security enhancements do not include expenditures for personnel costs, or monitoring, operation or maintenance of facilities, equipment of systems.

Finally, Title IV clarifies that EPA has discretion to act under Part D, Emergency Powers,

of the Safe Drinking Water Act (SDWA) when the Agency has received information about a specific threatened terrorist attack or when the Agency has received information concerning a potential terrorist attack (but not necessarily a specific, identified threat) at a drinking water facility. In exercising this discretion, the EPA should only rely upon substantial, credible information. EPA should not interpret "potential terrorist attack" to mean that there is merely some possibility or statistical probability of a terrorist attack. Neither should EPA interpret a general warning, general announcement or general condition to be sufficient information of a threatened or potential terrorist attack. Specific, credible information is required, and all other elements of section 1431 must be met, including the existence of an imminent and substantial endangerment to the health of persons, that appropriate State and local authorities have not acted to protect the health of persons served by the drinking water system, and that the EPA Administrator has consulted with State and local authorities regarding the correctness of the information regarding both the specific threat and the actions which the State or local authorities have taken. The authority granted to EPA in section 1431 is a limited, case-by-case, contingent emergency power.

Mr. BROWN of Ohio. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. BENTSEN).

(Mr. BENTSEN asked and was given permission to revise and extend his remarks.)

Mr. BENTSEN. Mr. Speaker, let me start out by congratulating the committee for putting together this legislation and putting together the conference report. This is a very good bill. I think it says a lot about the Congress that it has been able to respond as quickly as it has to the events of September 11 and the subsequent events of anthrax that we felt right here on Capitol Hill.

Subsequent to September 11, I had the opportunity to meet with the heads of a number of the institutions in the Texas Medical Center which is in my congressional district and is the largest medical center in the United States. In discussions with those individuals, I learned that while we had the knowledge throughout the United States in our various medical complexes to deal with the threat of bioterrorism, we did not necessarily have the means to deploy that knowledge. We really were not prepared to deal with it. And so a number of the institutions followed the lead of the Committee on Energy and Commerce and others in the Congress to try and address this and say that the Federal Government and the taxpayers would make an investment in making sure that we could deploy those medical assets the next time there is an attack.

As some of the speakers said, this bill may not go far enough, and I would concur with that; but it certainly is a very good start to begin to address this situation, to make sure that not just in the Nation's capital but throughout the United States that our local communities, with their local health care

facilities, will begin to put together the plans to be able to deploy these assets to protect the American populace.

□ 1245

That is what we ought to be doing in this body to address that. So I want to commend the Members, the chairman and ranking member of the full committee and subcommittees that worked on this, and I urge my colleagues to pass the legislation.

Mr. Speaker, I rise today in support of the conference report for H.R. 3448, the Public Health Security and Bioterrorism Preparedness and Response Act. In the wake of the September 11 terrorism attacks on the United States, it is clear that we need to invest in our public health infrastructure to ensure that we are prepared for future terrorism attacks. As the representative for the Texas Medical Center, the nation's largest medical center, I have learned that our nation's hospitals are not adequately prepared for bioterrorism attacks and need federal assistance in order to upgrade their facilities.

I am pleased that this conference report authorizes federal funding of \$1.6 billion in Fiscal Year 2003 for grants to states, local governments, and public and private health care facilities to improve planning and preparedness activities. Of this total, \$520 million in state grants will be made for the preparedness of hospitals, including children's hospitals to enhance their capacity to deal with emergencies such as bioterrorism attacks. I believe that all hospitals should be eligible to receive this funding in order to transform their emergency department. This legislation also authorizes \$300 million to upgrade and expand the Centers for Disease Control and Prevention (CDC) facilities. During the recent anthrax attacks, we learned that the CDC does not have adequate staff and laboratories to conduct testings for individual anthrax tests. This legislation will correct this insufficiency and invest in our public health response. This measure also authorizes funding of \$1.1 billion to expand the supply of vaccines, medicines, and supplies available to treat biological weapons such as anthrax. This funding will also ensure that we have adequate supply of smallpox vaccines and other antidotes for biological agents.

In order to protect public health, this legislation would also give the Food and Drug Administration additional authority to detain and bar food products. While we know that certain imported foods can kill children, yet the FDA does not currently have the ability to bar those who have knowingly imported these foods which have been adulterated or misbranded. This conference report also authorizes the FDA to require food importers to notify the FDA in advance of their arrival. This will help the FDA to carefully monitor which foods are being imported into the United States in order to protect public health. Finally, this bill would require all facilities that manufacture, process, pack, or hold food for consumption to register with the FDA. With registration, the FDA will be able to quickly track food products and appropriately act when any food products result in sickness or illness for our Nation's population. This measure would also provide new resources to protect our water supply. This conference report authorizes \$160 million in Fiscal Year 2002 and such sums as necessary for future years. Under this bill, the 353

largest water systems which serve a total of 116 million people will be required to conduct annual vulnerability assessments. The legislation also requires those water systems which serve more than 3,300 persons to prepare an emergency response plan. Both of these requirements will encourage our water systems to carefully analyze their vulnerability to biological attacks and to prepare when their water supply may have been contaminated.

Finally, this legislation includes provisions to reauthorize the Food and Drug Administration's prescription drug user fee program through Fiscal Year 2007. This measure would authorize the collection of \$1.2 billion in fees over five years in order to ensure that the FDA has sufficient resources to review prescription drug applications. These additional fees help the FDA to hire additional personnel who can review prescription drugs and medical devices.

I urge my colleagues to support H.R. 3348, legislation that will ensure that our Nation is better prepared when the next terrorism attack comes. With recently warnings of potential terrorism attacks, I believe that our public health infrastructure is well prepared.

Mr. TAUZIN. Mr. Speaker, I yield myself 1 minute to introduce the next speaker.

Mr. Speaker, the gentleman I am about to introduce was not only one of the conferees on this important legislation, but he and the gentleman from Georgia (Mr. LINDER) and I believe the gentlewoman from California (Ms. HARMAN) were extraordinarily diligent in offering this House a special bill to upgrade and enable the Centers for Disease Control, which was woefully inadequate prior to the passage of this bill today.

CDC is an incredibly valued institution in America. Not only does it track and help respond to the spread of infectious diseases, but it is going to be critical in the efforts to defend this country from biological or other forms of attack.

The gentleman from Georgia (Mr. CHAMBLISS), the gentleman from Georgia (Mr. LINDER) and the gentlewoman from California (Ms. HARMAN) are to be congratulated for not only leading this effort, but ensuring that this bill contains those important provisions to enable and improve and to strengthen the quality of the work done by the CDC.

Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Georgia (Mr. CHAMBLISS).

(Mr. CHAMBLISS asked and was given permission to revise and extend his remarks.)

Mr. CHAMBLISS. Mr. Speaker, as someone who spent several years working on issues of terrorism and advocating better preparedness and readiness to meet the unique challenges we face from terrorists who want to harm Americans, I am very pleased with the final agreement on this bill. It is clear that we continue to face very real threats from sophisticated terrorists who would use dangerous biological agents in their savage and relentless efforts to carry out acts of violence against Americans.

We must do all we can to keep dangerous biological agents out of the

wrong hands. However, whether in response to a terrorist attack, accident or natural outbreak of infectious disease, our public health and disease surveillance system is not as robust and capable as it needs to be to meet the demands which will be placed on it in a severe public health emergency. We recognize that local officials and our doctors, police, firefighters and local emergency responders will be on the front lines of an attack, and we must make sure that they are trained and ready to respond.

This bill will address many of these concerns. A critically important provision taken from the bill authored by the gentleman from Georgia (Mr. LINDER), the gentlewoman from California (Ms. HARMAN) and myself will provide \$300 million per year and multi-year contracting authority to the Centers for Disease Control to upgrade and modernize their old and decaying facilities which are in desperate need of repair.

I am particularly pleased that we are taking concrete and far-reaching steps to address the particular issue of agroterrorism. I have felt for a long time that our agriculture infrastructure is very vulnerable to the threat of intentional damage and disease. As part of this bill, we bolster the Department of Agriculture's ability to detect animal and plant diseases and respond as needed to protect our food supply and American agriculture. We expand inspection activities and provide much-needed increases in agriculture biosecurity at colleges, universities and laboratories, including funding for a biocontainment laboratory at the University of Georgia.

Thanks to the strong leadership of the gentleman from Louisiana (Chairman TAUZIN), the gentleman from Michigan (Mr. DINGELL), Senator FRIST and Senator KENNEDY and their staffs, we worked in a bipartisan way to craft a bill that will go a long way toward making our country much better prepared to respond to biological attacks.

Mr. Speaker, I urge the passage of this bill.

Mr. BROWN of Ohio. Mr. Speaker, I yield 2 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

(Ms. JACKSON-LEE of Texas asked and was given permission to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentleman for yielding me time, and I would like to thank the chairman of the Committee on Energy and Commerce and the ranking member of the Committee on Energy and Commerce along with the conferees for a report that has taken us a very long way since September 11.

I served on the Homeland Security Task Force chaired by the gentleman from New Jersey (Mr. MENENDEZ), and we worked some hours after September 11 and our focus was in many areas. But I want to raise 2 points that were extremely important to the work that I did on local law enforcement.

We know the first responders were always very important to our communities, but we saw them at work after September 11 in a light that we had never seen before. I want to applaud the State and local preparedness allocation of \$1.6 billion in particular, but I do want to emphasize the \$520 million for State grants to enhance the preparedness of hospitals, including children's hospitals, clinics, health centers and primary care facilities for bioterrorism.

It was my emphasis in that committee to give the resources to our local clinics, our public health systems, such as the Harris County Health District in my community, which really would face the threat of terrorism in our local communities.

Some days after September 11, I met with over 40 members of our HAZMAT teams and those dealing with these issues around our Metroplex area, and they are the ones that need the support. As we speak, the City of Houston has a prepared plan to submit for 1 of these grants, and I will be encouraging them and working with them for that submission and for receiving such.

Finally, let me say as the ranking member on the INS Subcommittee on Immigration and Claims of the Committee on Judiciary, issues dealing with food entry on our borders is very important, and the provisions dealing with detaining food, providing the FDA with the authority to order detaining of food that may be suspicious, I applaud them for that. The increased inspections, where the FDA can require food importers to notify the FDA 30 days in advance of their arrival at the port of entry, is very important.

Lastly, I would say the prohibition on port shopping is crucial. We know that the Canadian border is one that we need to be concerned about. I would only encourage in my conclusion, Mr. Speaker, that we look to more technology at the border so we can do food x-ray inspection or inspection of the food as it comes across, because that certainly poses a very severe threat.

I ask my colleagues to support the conference report.

Mr. TAUZIN. Mr. Speaker, in addition to the great work done by the Committee on Agriculture, the Committee on the Judiciary was a big contributor to this bill.

I am pleased to yield 2 minutes to the gentleman from Texas (Mr. SMITH), the chairman of the Subcommittee on Crime, Terrorism and Homeland Security of the Committee on the Judiciary.

Mr. SMITH of Texas. Mr. Speaker, first of all, I would like to thank the chairman of the Committee on Energy and Commerce for yielding me time and for his great work on this legislation.

Mr. Speaker, in the wake of the terrorist attacks of September 11 and the subsequent anthrax-laced mail, bioterrorism has become a very real threat

to the American people. The Bioterrorism Preparedness Act of 2002 addresses such threats by improving the ability of the United States to respond to and prevent biological attacks.

This conference report requires coordination among agencies that regulate biological agents and toxins that pose a threat to human health. The Department of Health and Human Services, which has primary responsibility for public health issues, and the Department of Agriculture, which has primary responsibility for animal and plant health, are required to develop a coordinated strategy.

An important provision of this conference bill focuses on enhancing controls of dangerous biological agents and toxins by requiring registration of all persons who possess, use or transfer them. The legislation directs the Secretary of Health and Human Services and the Secretary of Agriculture to develop specific security measures for personnel and facilities that handle these dangerous substances. In addition, the conference report provides criminal penalties for possession of these agents without registration and for their transfer to unregistered persons or facilities.

Mr. Speaker, these are very important additions to the laws already put in place by the USA PATRIOT Act.

Mr. BROWN of Ohio. Mr. Speaker, I yield myself 1½ minutes.

Mr. Speaker, I want to comment briefly on the Medicare provisions in the bill. One or more of my colleagues has expressed concern about the inclusion of some provisions in this legislation that are important. I want to make sure my colleagues understand these measures do not in any way adversely affect Medicare beneficiaries.

Several of us, the gentleman from Michigan (Mr. DINGELL), the gentleman from California (Mr. WAXMAN), the gentleman from New Jersey (Mr. PALLONE), none of us would have signed off on legislation that would have done anything but that.

One of these provisions is critically important for Medicare beneficiaries. Under current law, beneficiaries who choose to enroll in a managed care plan become locked into that plan. They must wait until the annual open enrollment program to switch plans or go into Medicare fee for service.

This bill removes that restriction, delays it for 3 years. We want to continue to delay it. The best we could do in the compromise was a 3-year delay rather than a permanent removal, so that Medicare beneficiaries can leave managed care, are not locked into that plan, can leave any time during the year and not just in the annual open enrollment period.

We also include in the language in the conference report provisions to protect in terms of time, when the Medicare period was moved from July to September. CMS has agreed we have language in the conference report to make sure that is enough time for people to be able to change.

So those provisions on Medicare are solid, they are bipartisanly agreed to. Beneficiaries will benefit, not at all be hurt, but in fact benefit by that language.

Mr. TAUZIN. Mr. Speaker, I yield myself 30 seconds simply to commend the gentleman for his statement.

Mr. Speaker, those provisions were agreed upon in a bipartisan fashion in the regulatory relief bill, which earlier passed this House, and I believe are in the interests of the beneficiaries of the Medicare system. I thank the gentleman for his similar conclusion. They were signed off on by all the committees of jurisdiction as well.

Mr. Speaker, I am pleased to yield 1½ minutes to the gentleman from Pennsylvania (Mr. PITTS) for a colloquy.

Mr. PITTS. Mr. Speaker, I rise also in support of the bioterrorism conference report, and since PDUFA is included in this bill, I would like to enter into a colloquy with the chairman.

Mr. Chairman, as you know, I am very interested in ensuring timely access to plasma therapies for the thousands of people who rely on these life-saving medicines. The plasma industry pays the fees authorized under PDUFA, yet there are no performance goals associated with plasma lot release, which must occur prior to these products being released by the FDA. Longer lot release times mean that the therapies do not get to patients in a timely manner.

I strongly believe that the FDA should work with the plasma industry to assure greater predictability in lot release and to lessen the amount of time required for lot release.

Mr. Speaker, I would like to ask the chairman to respond.

Mr. TAUZIN. Mr. Speaker, will the gentleman yield?

Mr. PITTS. I yield to the gentleman from Louisiana.

Mr. TAUZIN. Mr. Speaker, first, let me acknowledge the hard work the gentleman has already put forth on this issue. I agree with the gentleman, frankly, and applaud his efforts.

Plasma lot release times have varied greatly over the last few years. Predictability is important. I think the industry and FDA should sit down and begin a dialogue which will lead to greater cooperation and predictability in lot release, and I intend to help the gentleman make sure that dialogue occurs.

Mr. PITTS. Mr. Speaker, reclaiming my time, I thank the gentleman very much.

Mr. BROWN of Ohio. Mr. Speaker, I reserve my time.

Mr. TAUZIN. Mr. Speaker, I am pleased to yield 1 minute to the gentleman from Oklahoma (Mr. LUCAS), a member of the Committee on Agriculture.

Mr. LUCAS of Oklahoma. Mr. Speaker, 8 months ago our perspective on the potential threats to our borders changed forever as we saw the true capacity of evil on our defenseless citi-

zens. Three days ago we were reminded that that threat was still very real when the Vice President, Mr. CHENEY, said the question of another terrorist attack was not if, but when.

Today we in the House take an important step in preventing important attacks by passing this conference committee report. In November of last year I introduced legislation that addressed many of the issues that had been included in title III of the conference report before us today.

Included in both my bill and today's conference report are an increased presence of animal, plant and food and safety inspectors at the ports of entry. The APHIS and FSIS will develop strategies to prevent future incidents where animal and plant diseases are used by terrorists to attack U.S. citizens.

Mr. Speaker, I urge my colleagues to support this conference report. I thank the chairman and ranking member for their diligent efforts.

Mr. BROWN of Ohio. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. SCHIFF).

Mr. SCHIFF. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, I rise in support of the Public Health Security and Bioterrorism Preparedness and Response Act conference report. It has been nearly 8 months since the deadly anthrax attacks, and authorities still have not determined who is responsible. However, it appears very likely that the highly concentrated form of anthrax did not originate from overseas, but rather may have come from an American laboratory.

In addition to unsecured anthrax, we have other challenges involving national, State and local health care workers and first responders, to make sure they are equipped with the tools they need to fight bioterrorism threats, and we also have food security issues to consider, as well as a potentially vulnerable water supply.

Today we are taking a major step forward in addressing some of these issues. In particular I am pleased that the bill contains provisions similar to those included in legislation that I introduced last fall with Senator FEINSTEIN.

Our bill, the Deadly Biological Control Act, will require that the Department of Health and Human Services maintain and regularly update a list of deadly biological agents, viruses and bacteria that poses severe threat to public health and safety. It requires every laboratory that possesses any of these select agents to be government-certified after proving that they will be used strictly for legitimate research purposes and that sufficient measures are in place to safely handle and dispose of those agents while ensuring protection against unlawful access.

□ 1300

Finally, lab employees would have to register with the Department of Health

and Human Services and pass through a criminal background check. These provisions are critical because under current law, laboratories that acquired anthrax and other deadly agents prior to 1997 were not required to register with the government unless they were shipping the agent to another lab, as a result of the thousands of laboratories nationwide which stock deadly biological agents, viruses, and bacteria without uniform security standards or proper Federal oversight. Under these lax security conditions, a rogue employee or outside terrorist group could easily gain access to some of the most dangerous pathogens on Earth.

I applaud the leadership of the gentleman from Michigan (Mr. DINGELL) and the gentleman from Louisiana (Mr. TAUZIN) as they work with the Senate conferees to bring this bill to the floor, and I urge my colleagues to support this important conference report.

Mr. TAUZIN. Mr. Speaker, I am pleased to yield 2 minutes to the distinguished gentlewoman from Maryland (Mrs. MORELLA).

Mrs. MORELLA. Mr. Speaker, I rise in strong support of the conference report and for the Public Health Security and Bioterrorism Preparedness and Response Act. I indeed thank the gentleman from Louisiana (Mr. TAUZIN), the chairman of the committee, and the gentleman from Michigan (Mr. DINGELL) for their fine work and for the members and the staff of both committees. This is a terrific conference report, it is strong, and it is bipartisan, and it is critically important to our Nation as we continue to boost security in our preparedness against terrorism.

The conference report will improve the public health infrastructure at the national, State, and local levels to address growing threats of bioterrorism. The legislation provides additional resources to prepare us for bioterrorist threats or other public health emergencies.

I am particularly pleased that this legislation will boost programs and provide critical resources for many local communities who were on the front lines in the hours and the days following September 11, and the subsequent anthrax attacks. These brave men and women deserve our fullest commitment.

I look to my own district in Montgomery County, Maryland. Our first responders were there at the Pentagon on that terrible morning of September 11, and the Federal scientists at the National Institutes of Health and the Food and Drug Administration are working harder than ever to produce new treatments and vaccines for anthrax, among other bioterror agents.

The conference report we are considering today ensures emergency readiness and demonstrates a significant Federal commitment to local jurisdictions who ensure the safety and health of the American people.

In addition, the conference report improves protection of our water supply

and increases the protection of our Nation's food supply. The Food and Drug Administration, headquartered in my district, will have an increased number of food inspectors to ensure our food is safe from bioterrorists.

Mr. Speaker, the conference report we are considering deserves our fullest support.

Mr. BROWN of Ohio. Mr. Speaker, I yield 2 minutes to the gentleman from Maryland (Mr. WYNN), a member of the Committee on Energy and Commerce.

Mr. WYNN. Mr. Speaker, I rise in strong support of the conference report to H.R. 3448, the Bioterrorism Preparedness Act.

Let me take a moment and congratulate and thank our committee chairman, the gentleman from Louisiana (Mr. TAUZIN), for his outstanding work; as well as our own ranking member, the gentleman from Michigan (Mr. DINGELL), for his work; the subcommittee chairman, the gentleman from Florida (Mr. BILIRAKIS); and my good friend and subcommittee ranking member, the gentleman from Ohio (Mr. BROWN). They have done good work in bringing this bill to the floor in the true spirit of bipartisanship.

I am particularly pleased because this bill provides \$1.6 billion for grants to States and local governments, the first responders of our frontline of defense, for public and private health care facilities to improve planning and preparedness activities. It will enhance laboratory capacity, educating and training for health care personnel, and develop new drugs, therapies and vaccines, all a very important task for our homeland security.

This funding is particularly critical to upgrade our local health infrastructure to respond to a bioterrorism attack. I represent suburban communities just outside of Washington, D.C. After September 11, we realized how much we were on the front line. For instance, in my district in Montgomery County, Maryland, we require much-needed assistance to improve disease surveillance and also to train our local personnel, as well as to restore and improve our hospital preparedness, so this is very important to us.

The measure also provides \$1.5 billion of funding to expand the current stockpiles of medicines and vaccines such as smallpox. That is what people are concerned about in the area of bioterrorism, and the bill responds.

Finally, the bill provides \$300 million in critically important funding to upgrade and expand the Centers for Disease Control and Prevention facilities. It will allow, again, the training of personnel, particularly critical as we enter this new age; facilities improvement for combating bioterrorism in terms of upgrading the security of our labs and also, again, expanding disease surveillance.

Mr. Speaker, this is an excellent bill. Again I commend our leadership on both sides of the aisle for putting it together, and I urge my colleagues to support the conference report.

Mr. TAUZIN. Mr. Speaker, I reserve the balance of my time for closing.

Mr. BROWN of Ohio. Mr. Speaker, I yield myself the remainder of the time.

Mr. Speaker, I thank the gentleman from Louisiana (Mr. TAUZIN) and the gentleman from Florida (Mr. BILIRAKIS) and the gentleman from Michigan (Mr. DINGELL) and the staffs of all of the Members that were involved for their excellent work on this very complicated bill.

All of us are clearly happy with the legislation and disappointed with the legislation. I would like to highlight again as we close in the last couple of minutes a couple of highlights of that. I am particularly happy with the antibiotic resistance language in this bill. It is really the first time Congress, and I give credit to the gentleman from Louisiana (Mr. TAUZIN) and really everybody involved, it is the first time Congress has addressed this issue as seriously as we have on this. It is a serious problem, with drugs as common as penicillin, a drug that we all know, now is not as effective an antibiotic as it was 20 years ago. We are seeing a whole host of antibiotics not as effective as they were. This bill is the first step.

What we have left undone is legislation that we will continue to come to this committee on and hope to work with the gentleman from Louisiana on where half the antibiotics in this country are used for nonmedicinal, nontherapeutic purposes in animals, not to cure sick animals, but to help animals grow faster and to help animals actually not get disease because of the way we pack these animals together in pens that are too small. We are going to need to make some changes there, and I hope this Congress will seriously take that issue up.

I think on food safety, while we have done a reasonably good job on this bill, I hope that we can look more seriously at country-of-origin labeling and some other issues.

I am pleased with post-market surveillance of prescription drugs, as we have pushed through, with PDUFA in speeding up, accelerating the process of approval of prescription drugs, a very good thing to get them on the market more quickly so that consumers can benefit from them, patients can benefit from them. We also have done something in this bill we had not done before, and that is fund post-market surveillance so that when those drugs get on the market more quickly than they have in the past, if there are problems, the FDA is looking much more closely as these drugs are used in a huge part of the population rather than just clinical trials so that we, in fact, can detect much more quickly than before if there is damage done to people with the vast increase in the use of these drugs, with direct consumer advertising and all that.

This legislation also has good provisions with something called DDMAC, which is Division of Drug Market Advertising and Communications at FDA.



It is a review of marketing materials. As the drug companies, more and more, are spending huge numbers of dollars marketing their drugs, I think that will be a particularly positive direction.

I am disappointed, and I hope that we can move in a positive way on the pediatric rule so that as we passed legislation last year on the pediatric exclusivity, to give the drug companies 6 months more patent time, if you will, an extension of their patent so that they would test their drugs on children, test these prescription drugs on children that, in fact, we will codify the pediatric rule at some point so that drug testing will be done immediately on children as it is being done on adults during the clinical trials.

So those are some things I hope we can look for. We have done a good job on this bill with PDUFA; we have done a good job on this bill overall with bioterrorism; we have done a good job with food safety and antibiotic resistance. There is a lot more to do on antibiotic resistance; there is a lot more to do with food safety; there is a lot more to do with preserving safety and efficacy of prescription drugs on the market as we get them on the market more quickly.

So I would close by expressing my gratitude to the conference committee and by imploring the chairman of the Committee on Energy and Commerce, the distinguished gentleman from Louisiana (Mr. TAUZIN), so that we can move forward on some of these other issues during the next few months.

Mr. Speaker, I yield back the balance of my time.

Mr. TAUZIN. Mr. Speaker, I yield myself the remaining time.

Let me first thank the gentleman from Ohio (Mr. BROWN) for his kind comments and for the extraordinary work that he and other colleagues on the other side of the aisle have provided us in producing, I think, an excellent bill from conference.

Let me first clarify something. In debate earlier, I think I heard the suggestion that the EPA would be required in the bill to review the vulnerability assessments submitted to it under title IV. I want to be very clear about this. Nothing in this conference report contains that requirement. The report simply makes that discretionary with the EPA. The reports are submitted to EPA, and they are not required to review them. It is a discretionary matter with EPA.

Mr. Speaker, let me first make a point that I think is important. This bill comes up at an extraordinary time in our Nation's history. It comes up in a week when partisanship reared its ugly head as we discussed issues involving 9-11 over the last several weeks. But I want to make something very clear. This bill represents the best of bipartisanship. This bill, shepherded through by the staff, by Reid Stuntz on the Democratic side and Mr. Dave Marventano on our side and the incred-

ible work of the staffs on all three committees, the Committee on Agriculture and the Committee on the Judiciary, has produced a huge bipartisan response to the enemies of our country who think they can threaten us with biological agents or threaten us with attacks upon our food or water supplies and make this country more and more vulnerable.

There was a time before 9-11 when we did not think these thoughts, when we did not have to do what this bill requires. But 9-11 taught, I think, all of us some lessons; and I think it also demonstrated something to the world and to our enemies around the world, that this country is full of heroes. There are heroes who work in our own forces who are in Special Forces right now in Afghanistan and parts of the world we may not even read about who are defending us right now against al Qaeda and the folks around the world who would indeed threaten our security here at home. There are heroes who work in much more quiet and obscure places, in little hospitals, in the CDC, and they work at a border station where they inspect food and drugs coming into this country. They may be members of an ambulance team. They may be members of a first response team. But those heroes in America who demonstrated on 9-11 just how this country can respond when we need to are going to be better armed today with \$4.6 billion of new tools.

This is an incredibly important bill. It is a statement, bipartisan statement here in America that we are ready to defend this country, and we are ready to make sure our heroes, both abroad and at home, are equipped with all of the tools they need to make us safer and more secure.

Mr. TAUZIN. Mr. Speaker, when the Joint Statement of Managers was filed last night, it inadvertently omitted some important language concerning a Performance Goals Letter for the authorization of the Prescription Drug User Fee Act (PDUFA).

Chairman TAUZIN and Ranking Minority Member DINGELL hereby submit the following additional statement which they view as authoritative legislative history on the provision in question.

#### PERFORMANCE GOALS LETTER

Authorization of PDUFA is accompanied by a letter entitled "PDUFA Reauthorization Performance Goals and Procedures." The goals letter is unique to PDUFA. It does not have force of law, but nonetheless the Agency views it as a statement of their obligations, and they issue a yearly report on their performance in meeting the goals specified in the letter.

Title IX of the goals letter is entitled "Independent Consultants for Biotechnology Clinical Trial Protocols." Contained in this title, as negotiated by the agency, is a paragraph "D. Denial of Requests." As forwarded to the Congress, this paragraph previously read: "except in the most unusual circumstances (for example, it is clearly premature) FDA will honor the request and engage the services of an independent consultant, of FDA's choosing, as soon as practicable. If the Agency denies the request, it will provide a written rationale to the re-

quester within 14 days of receipt." Upon agreement of the Conferees, this paragraph shall now read "D. Denial of Requests: FDA will grant the request unless the Agency determines that engagement of an expert consultant would not serve a useful purpose (for example, it is clearly premature). FDA will engage the services of an independent consultant, of FDA's choosing, as soon as practicable. If the Agency denies the request, it will provide a written rationale to the requester within 14 days of receipt."

The requirement of the Agency to provide a written rationale for the refusal to engage an independent consultant is not intended to burden the Agency but rather to assist the applicant in understanding the reason for Agency action.

The goals letter also, for the first time, includes a title on "pre- and Peri-NDA/BLA Risk Management Plan Activities" (Title VIII). The Managers view this title as a strong addition to the PDUFA regimen. Under this title, user fee monies will be available for postmarket surveillance for up to three years for drug and biological products. The Managers strongly support this Title, and upon agreement of the Managers, the title will now include the following additional language at the end Section D of Title VIII: "FDA will allocate \$76,319,879 in user fees over 5 years to the activities covered in this section. FDA will track the specific amounts of user fees spent on these activities and will include in its annual report to Congress an accounting of this spending."

W.J. "BILLY" TAUZIN,

Chairman.

Mr. BALDACCI. Mr. Speaker, I am pleased that we will be passing legislation today to authorize vital funding for our state and local public health systems. Recognizing the difficulties facing our state and local governments and health facilities following the unprecedented attacks on our country, it's clear that we must greatly expand the resources of our health systems.

Mr. Speaker, immediately following the first Anthrax attacks, I met with public health officials from my State, and with representatives of community health provider systems. What I learned from this discussion is that our local and state health infrastructure and information systems is woefully unprepared to deal with the level of biomedical, chemical and radiological threats for which we clearly now must be prepared.

I am very concerned about the speed of which funds have been distributed to our state and local governments in order to update their health systems to deal with future attacks.

Today with passage of the Bioterrorism bill we will be making a commitment to our states, local governments and health facilities. We will provide significant assistance to their efforts to protect the health of our citizens. Funds will be translated into improvements in preparedness planning, surveillance, lab and hospital capacity and information and communication technology specific to meet the needs of our state and local health systems.

States will receive for bioterror-related activities \$1.6 billion in grants in fiscal year 2003, and local hospitals will receive \$520 to prepare for medical emergencies, with additional funds authorized at such sums as necessary for fiscal year 2004 through fiscal year 2006. These funds are on top of those already appropriated and distributed for the current fiscal year of over \$1 billion.

I would add that as much as I appreciate these specific funds for bioterror threats, I believe other important issues facing our state



and local governments should be addressed. In particular, I support forward funding of fiscal year 2003 monies the President has identified for First Responders in our districts and states. Many of those charged in our state and local governments for maintaining public safety are frustrated with the lack of funding for first responder needs. To date, no funds for local first responders has been sent to our states. I hope that significant funds for First Responders become available for distribution as soon as possible. While the Supplemental legislation which we will consider later today does provide \$175 million for first responders, much more is needed to cover costs our local and state governments have incurred and will soon incur to put necessary safety and preparedness plans in place.

Mr. Speaker, I am pleased to support today's bioterrorism conference report and urge my colleagues to support this measure to set aside vital funds to our state and local governments and hospitals.

Mr. GREEN of Texas. Mr. Speaker, I rise today in support of this Bioterrorism Conference Report.

I commend our chairman and ranking member, Mr. TAUZIN and Mr. DINGELL, for their hard work in developing this consensus legislation. This bill represents the kind of common-sense, worthwhile policy that can be produced when the two parties work together.

This bill includes a number of important provisions that will go a long way to improve our nation's ability to prevent and respond to a bioterrorist attack. With the formula grants in this bill, states will be able to better develop their public health infrastructure, so that they can recognize and contain bioterrorist outbreaks.

The legislation creates a stockpile of drugs and vaccines, so we are able to quickly treat individuals who are affected. And it improves food safety inspection at our nation's borders to protect our food supply and makes sure that our water supply is not vulnerable to terrorist attack.

This legislation also reauthorizes and improves upon the Prescription Drug User Fee Act, which ensures that life-saving medications make it through the FDA approval process as quickly as possible.

Once again, I thank my colleagues for their hard work on this legislation.

Mr. SHAYS. Mr. Speaker, last Thursday, three men were arrested in Easton, Connecticut after being seen videotaping a water reservoir and filtration plant. The good news: A vigilant employee alerted local police. City and state emergency response teams were mobilized, the FBI was brought in, and the water was tested and found to be safe. The bad news: Before being seen, those three men got past security fences and "No Trespassing" signs, and could have destroyed or contaminated facilities supplying drinking water to 238,000 people in southeastern Connecticut.

It appears to have been an innocent mistake, a misguided desire to capture Connecticut's beautiful scenery from the wrong vantage point. But the incident demonstrates the vulnerability of critical water systems to biological terrorism.

This conference report begins to address protection of water supplies by directing updated threat assessments, vulnerability assessments and incorporation of both into current emergency response plans.

The current frustratingly vague string of alerts about potential terrorist acts cannot obscure one hard truth evident even before September 11: It is not a question of whether but only when, where and at what magnitude the United States will be attacked using biological, chemical, radiological or even nuclear weapons. To meet that threat, pharmaceutical stockpiles need to be augmented, disease surveillance should be strengthened, and public health capacities far better integrated into emergency response plans.

This bill is costly. More will be needed in the years to come. But the costs of an uncoordinated, ineffective response to bioterrorism will be paid in human lives, civil disorder, loss of civil liberties and economic disruption that could undermine both national security and national sovereignty.

If there is a ray of hope in the threat of bioterrorism it lies in this irony: improving the public health infrastructure against a man-made biological assault today better prepares us to face natural disease outbreaks every day. Just as biotechnologies can be used to produce both life-saving therapies and deadly pathogens, public health capabilities are likewise "dual use," enhancing our protection against smallpox attack by a terrorist and an influenza pandemic produced by Mother Nature.

Mr. SHIMKUS. Mr. Speaker, I submit for the RECORD the following on Public Health Security and Bioterrorism Response Act conference.

#### FOOD AUTHORITIES OF BIOTERRORISM BILL

Title III of the bioterrorism bill responds to legislative proposals presented to Congress by the Department of Health and Human Services. We worked closely with Secretary Thompson and personnel of the Food and Drug Administration to craft the most extensive expansion of the food related enforcement authorities in the history of the Federal Food, Drug, and Cosmetic Act (FFDCA). New authorities provide for expanded records access and maintenance, administrative detention of foods, registration of food facilities and several other provisions that are especially focused on assuring effective oversight of food imports. These new authorities strike a balance by adding significantly to the already strong enforcement authorities of the FDA, while assuring that the authorities will be used only for their intended purposes. I believe that my colleagues will be pleased with how this balance was struck to protect the American consumer and permit a robust competitive food system to provide consumers a wide variety of affordable foods.

#### ADMINISTRATIVE DETENTION: SECTION 303 OF THE TITLE

Amendment to Section 304 of the FFDCA provides the Secretary with limited authority to detain administratively an article of food where the FDA has "credible evidence or information indicating that such article presents a threat of serious adverse health consequences or death." "Credible evidence or information" requires that the FDA have specific evidence or information that it believes to be reliable and probative. The "serious adverse health consequences" standard, which is used consistently in Title III of this Act, relates to the situation in which there is a reasonable probability that the use of, or exposure to, a violative product will cause serious adverse health consequences or death. This standard corresponds to existing FDA guidance under section 7.3 of Title 21 of the Code of Federal Regulations.

A detention order must be approved by a senior FDA official (district director for the district in which the food to be detained is located or a more senior official). In general, the Secretary should expedite the processing of seizure or injunction actions with regard to food that has been detained. The Secretary is required to provide by regulation for the expedition of such actions in the case of perishable food, such as fresh produce and seafood.

Once a detention order is issued, the Secretary must insure that the detained article of food is kept in a secure facility under conditions commercially appropriate for the food to ensure that the safety and quality of the food is maintained during the detention.

Any person who would be entitled to claim the article of food if the food were seized may appeal a detention order to the Secretary. If an appeal is filed, the Secretary must provide an opportunity for an informal hearing which would be conducted in accordance with the procedures set forth in Part 16 of Title 21 of the Code of Federal Regulations. The Secretary has five days to confirm, modify or terminate the detention order; failure of the Secretary to provide for an informal hearing or to act on the appeal within five days of an appeal automatically terminates the detention order. The Secretary may not thereafter re-institute the terminated detention order.

This section also permits the Secretary to request that the Secretary of Treasury hold food offered for import at a port of entry for a period not to exceed 24 hours if the FDA is unable to inspect, examine, or investigate the food when it is offered for import and the Secretary has "credible evidence or information" indicating that the article of food "presents a threat of serious adverse health consequences or death to humans or animals." The purpose of the temporary hold is to permit the FDA to inspect, examine or investigate the article of food. Amendments to Section 801 of the FFDCA provide for prior notice of shipments of imported food; consequently, the temporary hold authority should not be used routinely.

#### DEBARMENT: SECTION 304 OF THE TITLE

Amendment to Section 306 of the FFDCA would provide broad authority for debarment of persons from food importation so that FDA may protect against persons who might willfully sell harmful foods. Debarment may be based on a felony conviction relating to the importation of food into the United States or upon a person engaging in a pattern of importing adulterated food that presents a threat of serious adverse health consequences. The conferees intend for this authority to be exercised reservedly to assure that only "bad actors" are the subject of debarment actions. The courts have defined a pattern of proscribed conduct as three or more separate instances of a similar character. Thus, three violative lots of a common shipment would be of a similar character, but not constitute a pattern because they were effectively shipped at the same time and afforded no notice to the importer. The events that make up the pattern must be of a sufficiently similar nature and time sequence to provide the innocent importer effective notice and opportunity to undertake precautionary procedures to guard against reoccurrence. The managers intend for this debarment authority ordinarily to be exercised based on felony convictions. In the absence of a felony conviction, permissive debarment authority should be exercised only pending felony prosecution.

#### REGISTRATION: SECTION 305 OF THE TITLE

A new Section 415 of the FFDCA would provide require that the Secretary implement an expansive program of registration of facilities engaged in manufacture, processing,

packing or holding food for human consumption to assist the Secretary in promptly contacting management of concerned food facilities in the event of a threat to food safety. The registration is to include information regarding the name and address of the facility, as well as all trade names under which the facility conducts business. Also, if the effectiveness of the registration system would be significantly enhanced without undue burden, the Secretary may require by guidance that the general food category of products of the facility be specified. Within 18 months of enactment the Secretary is required to promulgate implementing regulations, which shall specify compliance timeframes and other requirements. The conferees fully expect FDA to complete the rulemaking in the 18 months provided.

The bill would require the Secretary to promptly notify each registrant of their registration number. The conferees intend for the Secretary to provide for electronic data submission and use of an electronic database to maintain a current listing of registered facilities. The listing of registered facilities is to be held strictly confidential. Since failure to register would be a violation of the Federal Food, Drug, and Cosmetic Act, prompt issuance of registration numbers under this system is imperative.

The bill would authorize the Secretary to broadly impose the registration requirement to domestic facilities engaged in processing or distributing food for human consumption as the Secretary deems necessary. However, the registration requirement would not authorize registration of farming facilities (including facilities attendant to harvesting of food crops), restaurants or other retail food establishments (including facilities attendant to their operations, which are under the same ownership or management) or most fishing vessels. In addition, the Secretary would be authorized to require registration of a foreign facility, but only if food from such facility is exported to the United States without further processing or packaging outside the U.S. If an article of food that is offered for import is from a foreign facility for which registration has not been submitted, the article would be held at the port of entry until registration is submitted.

The conferees intend for the Secretary to exercise his discretion in the development and implementation of registration regulations to ensure that registration requirements are neither burdensome nor disruptive of the smooth flow of commerce.

#### MAINTENANCE AND INSPECTION OF RECORDS: SECTION 306 OF THE TITLE

A new Section 414 of the FFDCA would authorize FDA to have access to and to copy certain records in the possession of persons involved in the production and distribution of food. Access to records would occur only if the Secretary has a reasonable belief that an article of food is adulterated and presents a threat of serious adverse health consequences. The "reasonable belief" standard is intended to make clear that the Secretary must have evidence or information in hand that would cause a reasonable person to conclude that the food is both adulterated and presents a threat of serious adverse health consequences. Once the standard is met, the Secretary would have authority to gain access to and copy only those records needed to assist the Secretary in determining whether the food is adulterated and presents a threat of serious adverse health consequences.

Records that would be subject to inspection under this authority relate to the manufacture, processing, packing, distribution, receipt, holding, or importation of the food being investigated, regardless of the format or location of the record. This records access

would not extend to the most commercially sensitive or confidential records of the record keeper, including recipes (including formulation and preparation or processing techniques), financial data, pricing data, personnel data, research data, or sales data (other than shipment data regarding sales). Clearly, the authority would not permit access to any records regarding employees, research or customers (other than shipment data), nor would it permit access to information such as correspondence or marketing plans.

This new records access authority is responsive to a request of the Department so that investigation may be made of possible threats to the public health, but strictly limited to avoid potential abuse of confidential business information. The managers intend for limitations on records access to be strictly observed. A determination that there is reasonable belief that a food is adulterated and presents a threat of serious adverse health consequences should be made under the direct supervision of senior officials of the FDA.

In addition, the Secretary would be required to take appropriate measures, presumably through rulemaking and assuredly with the benefit of comments from record keepers, to prevent the unauthorized disclosure of trade secret or confidential information obtained by the Secretary. The managers envision procedures whereby no agency personnel will have access to records without a specific need for such access, possession of all copies of records will be strictly controlled, and detailed records regarding all handling and access to these records will be kept. Shortcomings in such procedures or lapses in adherence to them should be viewed as a presumption of unlawful release of the records. Such record protections are to be in place prior to FDA exercising new records access authority.

A conforming amendment to Section 704 of the FFDCA is also included in this section. This conforming amendment would provide the Secretary no greater access to records (either in circumstances during which records access is permitted, the types of records that may be accessed, or protections afforded records that are obtained) than would be authorized under new Section 414.

#### PRIOR NOTICE: SECTION 307 OF THE TITLE

Amendment to Section 801 of the FFDCA would require that the Secretary promulgate regulations for submission of notice prior to the importation of any food to enable the Secretary to provide for inspection of food imports at ports of entry. The conferees intend for the Secretary to expeditiously promulgate the required regulations so that efficiency of food import inspections may be improved. The Secretary would be required to consult with the Secretary of the Treasury in promulgation of prior notice regulations to assure that smooth coordination is achieved between FDA and U.S. Customs. The managers intended for the Secretary to exercise discretion to ensure that neither the requirements of the notice nor the timing of prior notice be more burdensome than necessary to provide for the availability of food import inspectional personnel. The Secretary should exercise discretion in promulgating and implementing these rules to assure that prior notice requirements never become a barrier to the smooth flow of commerce. If an article of food were offered for import without providing the required prior notice, the article of food would be held at the port of entry until the Secretary has determined that notice is complete, but it would not be held longer than the unexpired period of prior notice unless there is other basis for doing so. If the Secretary fails to

promulgate prior notice regulations within 18 months of enactment, the bill specifies the information to be provided in the notice and that notice must be provided no less than 8 hours, and no more than 5 days, prior to offering the article of food for import. The conferees fully expect FDA to complete the rulemaking within the 18 months provided.

#### MARKING REFUSED ARTICLES: SECTION 308 OF THE TITLE

Another amendment to Section 801 of the FFDCA would authorize the Secretary to require that the outermost container of a shipment of certain foods that have been refused admission into the U.S. be marked "UNITED STATES: REFUSED ENTRY". The purpose of such a marking would be to alert inspectional personnel at the port of entry of a second attempt to import the refused food shipment. Accordingly, the conferees intend for this authority to be exercised in cases where there is reason to believe that the shipment may be offered for import at another U.S. port of entry. The conferees do not intend for this authority to be used to require markings that are unlikely to be observed at import inspection or that may inhibit the lawful marketing of a product in another country. The Secretary is expected to consult with the Secretary of Treasury regarding development of regulations to implement this provision.

Mr. COMBEST. Mr. Speaker, I would first like to commend Chairman TAUZIN, ranking Member DINGELL and all of the other conferees and their staffs for their hard work on this important legislation. This conference report represents a concerted effort by the Congress, the Bush Administration and numerous constituent groups coming together to tackle, head-on the threat of bioterrorism in the United States.

The attacks of September 11, and the subsequent mailing of Anthrax contaminated mail to the capitol, media outlets, and the devastating release of this deadly organism in postal facilities, led all Americans to reconsider the fundamentals. Members of Congress naturally turned to exploring ways that the public can be protected from potential terrorist attacks.

As Chairman of the Agriculture committee, my responsibility has been to evaluate and safeguard our nation's food supply. The Congress, working with the Executive branch, has a responsibility to farmers, ranchers, processors, retailers, and consumers to ensure appropriate steps are being taken to maintain confidence in our food supply.

Fortunately, the U.S. Department of Agriculture has been in the biosecurity business for a long time. The Animal Plant Health Inspection Service (APHIS) has its origins in the 19th century. The Food Safety Inspection Service (FSIS) started operations at the beginning of the 20th century.

Likewise, other sectors of our economy have recognized the fact that they have had to make wholesale changes in how they function. In some cases, organizations are in the process of being completely retooled or even created out of whole cloth. Thankfully, with regards to the Department of Agriculture, we already have broad legal authorities, plentiful resources, and trained personnel already in place to address the threats of the 21st century.

Nearly 5,000 APHIS employees securing our border from the importation of animal and plant diseases and 7,600 FSIS inspectors in every meat and poultry plant in America are

already working to protect our food production system. Obviously, the events of September 11 have caused these and other agencies of USDA to increase their vigilance, but we are very fortunate to have them. Not unlike our firefighters and police, they do a difficult job every day; a job we appreciate even more during these troubled times.

With this legislation, additional resources will be authorized for the USDA to modernize its Agricultural Research Service laboratory facilities. Likewise, funding is authorized for the USDA to provide grants to agricultural colleges and universities to review their security needs. These grants, coupled with security upgrade grant authority included as part of the recently passed Farm Security and Rural Investment Act of 2002 will strengthen our biosecurity and food safety research capabilities for years to come.

Likewise, authority is granted to expand on USDA's biosecurity research programs, both in the Agricultural Research Service, and those programs involving colleges and universities throughout United States.

This conference report strengthens USDA's regulatory efforts with regard to food safety, and animal and plant health. Specifically, the conference report recognizes the inadequacy of current USDA authorities with regard to the regulation of biological agents and toxins that present a severe threat to plant or animal health, and the products of plants and animals. Based on this recognition, the conference report adopts provisions that would grant nearly identical authorities to the USDA as those granted to the Department of Health and Human Services for the regulation of possession, use or transfer of listed biological agents and toxins.

Mr. Speaker, I would close by once again thanking all of the conferees who have worked on this legislation. Likewise, I would like to thank the employees of the Department of Agriculture who worked very closely with my staff in hammering out the details of this legislation. Specifically, I would like to mention the outstanding efforts of Dr. Curt Mann and Deb Atwood from the Office of the Secretary, Molly Phillips from the Office of Congressional Relations, Pilar Ruttenberg and Sheila Novak from the Office of General Counsel, Courtney Billet, Dr. Andrea Morgan and Mr. Chuck Schwalbe from the Animal and Plant Health Inspection Service, and Christy Slamowitz from the Office of the Inspector General.

Mr. DINGELL. Mr. Speaker, when the Joint Statement of Managers was filed last night, it inadvertently omitted some important language concerning a Performance Goals Letter for the authorization of the Prescription Drug User Fee Act (PDUFA).

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JOHN D. DINGELL,  
*Ranking Member.*

Mr. Speaker, I commend this conference report to the House, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. LAHOOD). Without objection, the previous question is ordered.

There was no objection.

The SPEAKER pro tempore. The question is on the conference report.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. TAUZIN. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to clause 8 of rule XX, this 15-minute vote on agreeing to the conference report will be followed by two 5-minute votes on motions to suspend the rules that were debated yesterday.

The vote was taken by electronic device, and there were—yeas 425, nays 1, not voting 8, as follows:

[Roll No. 189]

YEAS—425

Abercrombie  
Ackerman  
Aderholt  
Akin

Allen  
Andrews  
Armey  
Baca

Bachus  
Baird  
Baker  
Baldacci

Baldwin  
Ballenger  
Barcia  
Barr  
Barrett  
Bartlett  
Barton  
Bass  
Becerra  
Bentsen  
Bereuter  
Berkley  
Berman  
Berry  
Biggert  
Bilirakis  
Bishop  
Blagojevich  
Blumenauer  
Blunt  
Boehlert  
Boehner  
Bonilla  
Bonior  
Bono  
Boozman  
Borski  
Boswell  
Boucher  
Boyd  
Brady (PA)  
Brady (TX)  
Brown (FL)  
Brown (OH)  
Brown (SC)  
Bryant  
Burr  
Buyer  
Callahan  
Calvert  
Camp  
Cannon  
Cantor  
Capito  
Capps  
Capuano  
Cardin  
Carson (IN)  
Carson (OK)  
Castle  
Chabot  
Chambliss  
Clay  
Clayton  
Clement  
Clyburn  
Coble  
Collins  
Combest  
Condit  
Conyers  
Costello  
Cox  
Coyne  
Cramer  
Crane  
Crenshaw  
Crowley  
Cubin  
Culberson  
Cummings  
Cunningham  
Davis (CA)  
Davis (FL)  
Davis (IL)  
Davis, Jo Ann  
Davis, Tom  
Deal  
DeFazio  
DeGette  
Delahunt  
DeLauro  
DeLay  
DeMint  
Diaz-Balart  
Dicks  
Dingell  
Doggett  
Dooley  
Doolittle  
Doyle  
Dreier  
Duncan  
Dunn  
Edwards  
Ehlers  
Ehrlich  
Engel  
English

Eshoo  
Etheridge  
Evans  
Everett  
Farr  
Fattah  
Ferguson  
Filner  
Flake  
Fletcher  
Foley  
Forbes  
Ford  
Fossella  
Frank  
Frelinghuysen  
Frost  
Gallegly  
Ganske  
Gekas  
Gephardt  
Gibbons  
Gilchrest  
Gillmor  
Gilman  
Gonzalez  
Goode  
Goodlatte  
Gordon  
Goss  
Graham  
Granger  
Graves  
Green (TX)  
Green (WI)  
Greenwood  
Grucchi  
Gutierrez  
Gutknecht  
Hall (OH)  
Hall (TX)  
Hansen  
Harman  
Hart  
Hastings (FL)  
Hastings (WA)  
Hayes  
Hayworth  
Hefley  
Herger  
Hill  
Hilleary  
Hilliard  
Hinchey  
Hinojosa  
Hobson  
Hoeffel  
Hoekstra  
Holden  
Holt  
Honda  
Hooley  
Horn  
Hostettler  
Houghton  
Hoyer  
Hulshof  
Hunter  
Hyde  
Inslee  
Isakson  
Israel  
Issa  
Istook  
Jackson (IL)  
Jackson-Lee  
(TX)  
Jefferson  
Jenkins  
John  
Johnson (CT)  
Johnson (IL)  
Johnson, E. B.  
Johnson, Sam  
Jones (NC)  
Jones (OH)  
Kanjorski  
Kaptur  
Keller  
Kelly  
Kennedy (MN)  
Kennedy (RI)  
Kerns  
Kildee  
Kilpatrick  
Kind (WI)  
King (NY)  
Kingston  
Kirk

Klecicka  
Knollenberg  
Kolbe  
Kucinich  
LaFalce  
LaHood  
Lampson  
Langevin  
Lantos  
Larsen (WA)  
Larson (CT)  
Latham  
LaTourette  
Leach  
Lee  
Levin  
Lewis (CA)  
Lewis (GA)  
Lewis (KY)  
Linder  
Lipinski  
LoBiondo  
Lofgren  
Lowey  
Lucas (KY)  
Lucas (OK)  
Luther  
Lynch  
Maloney (CT)  
Maloney (NY)  
Manzullo  
Markey  
Matheson  
Matsui  
McCarthy (MO)  
McCarthy (NY)  
McCollum  
McCrery  
McDermott  
McGovern  
McHugh  
McInnis  
McIntyre  
McKeon  
McKinney  
McNulty  
Meehan  
Meek (FL)  
Meeks (NY)  
Menendez  
Mica  
Miklender-  
McDonald  
Miller, Dan  
Miller, Gary  
Miller, George  
Miller, Jeff  
Mink  
Mollohan  
Moore  
Moran (KS)  
Moran (VA)  
Morella  
Murtha  
Myrick  
Nadler  
Napolitano  
Neal  
Nethercutt  
Ney  
Northup  
Norwood  
Nussle  
Oberstar  
Obey  
Olver  
Ortiz  
Osborne  
Ose  
Otter  
Owens  
Oxley  
Pallone  
Pascarelli  
Pastor  
Payne  
Pelosi  
Pence  
Peterson (MN)  
Peterson (PA)  
Petri  
Phelps  
Pickering  
Pitts  
Platts  
Pommo  
Pomeroy  
Portman  
Price (NC)

Pryce (OH)	Shadegg	Thornberry
Putnam	Shaw	Thune
Quinn	Shays	Thurman
Radanovich	Sherman	Tiahrt
Rahall	Sherwood	Tiberi
Ramstad	Shimkus	Tierney
Rangel	Shows	Toomey
Regula	Shuster	Towns
Rehberg	Simmons	Turner
Reyes	Simpson	Udall (CO)
Reynolds	Skeen	Udall (NM)
Rivers	Skelton	Upton
Rodriguez	Slaughter	Velazquez
Roemer	Smith (MI)	Visclosky
Rogers (KY)	Smith (NJ)	Vitter
Rogers (MI)	Smith (TX)	Walden
Rohrabacher	Smith (WA)	Walsh
Ros-Lehtinen	Snyder	Wamp
Ross	Solis	Waters
Rothman	Souder	Watkins (OK)
Roukema	Spratt	Watson (CA)
Roybal-Allard	Stark	Watt (NC)
Royce	Stearns	Waxman
Rush	Stenholm	Weiner
Ryan (WI)	Strickland	Weldon (FL)
Ryun (KS)	Stump	Weldon (PA)
Sabo	Stupak	Weller
Sanchez	Sullivan	Wexler
Sanders	Sununu	Whitfield
Sandlin	Sweeney	Wicker
Sawyer	Tancred	Wilson (NM)
Saxton	Tanner	Wilson (SC)
Schaffer	Tauscher	Wolf
Schakowsky	Tauzin	Woolsey
Schiff	Taylor (MS)	Wu
Schrock	Taylor (NC)	Wynn
Scott	Terry	Young (AK)
Sensenbrenner	Thomas	Young (FL)
Serrano	Thompson (CA)	
Sessions	Thompson (MS)	

## NAYS—1

Paul

## NOT VOTING—8

Burton	Emerson	Trafficant
Cooksey	Mascara	Watts (OK)
Deutsches	Riley	

□ 1335

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid upon the table.

Stated for:

Mr. Speaker, on rollcall No. 189 I was unavoidably detained and unable to record my vote. Had I been able, I would have voted "yea."

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LAHOOD). Pursuant to clause 8 of rule XX, the Chair will now put the question on motions to suspend the rules on which further proceedings were postponed on Tuesday, May 21, in the order in which that motion was entertained.

Votes will be taken in the following order:

H.R. 3717, by the yeas and nays;

H. Res. 424, by the yeas and nays.

The Chair will reduce to 5 minutes the time for each of these two votes.

## FEDERAL DEPOSIT INSURANCE REFORM ACT OF 2002

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and passing the bill, H.R. 3717, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by

the gentleman from Ohio (Mr. OXLEY) that the House suspend the rules and pass the bill, H.R. 3717, as amended, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 408, nays 18, not voting 8, as follows:

[Roll No. 190]

YEAS—408

Abercrombie	Davis (IL)	Hunter
Ackerman	Davis, Tom	Hyde
Aderholt	Deal	Inslee
Akin	DeGette	Isakson
Alles	Delahunt	Israel
Andrews	DeLauro	Issa
Armey	DeLay	Istook
Baca	DeMint	Jackson (IL)
Bachus	Diaz-Balart	Jackson-Lee
Baird	Dicks	(TX)
Baker	Dingell	Jefferson
Baldacci	Doggett	Jenkins
Baldwin	Dooley	John
Ballenger	Doolittle	Johnson (CT)
Barcia	Doyle	Johnson (IL)
Barr	Dreier	Johnson, E. B.
Barrett	Duncan	Johnson, Sam
Bartlett	Dunn	Jones (NC)
Barton	Edwards	Jones (OH)
Bass	Ehlers	Kanjorski
Becerra	Ehrlich	Kaptur
Bentsen	Engel	Keller
Bereuter	English	Kelly
Berkley	Eshoo	Kennedy (MN)
Berman	Etheridge	Kennedy (RI)
Berry	Evans	Kerns
Everett	Kildee	Kilpatrick
Bilirakis	Farr	Kind (WI)
Bishop	Fattah	King (NY)
Blagojevich	Ferguson	Kingston
Blumenauer	Filner	Kirk
Blunt	Fletcher	Kleczka
Boehlert	Foley	Knollenberg
Boehner	Ford	Kolbe
Bonilla	Fossella	Kucinich
Bonior	Frelinghuysen	LaFalce
Bono	Frost	LaHood
Boozman	Galleghy	Lampson
Borski	Ganske	Langevin
Boswell	Gekas	Lantos
Boucher	Gephardt	Larsen (WA)
Boyd	Gibbons	Larson (CT)
Brady (PA)	Gilchrest	Latham
Brady (TX)	Gillmor	LaTourette
Brown (FL)	Gilman	Leach
Brown (OH)	Gonzalez	Lee
Brown (SC)	Goodlatte	Levin
Bryant	Gordon	Lewis (CA)
Burr	Goss	Lewis (GA)
Buyer	Graham	Lewis (KY)
Callahan	Granger	Linder
Calvert	Graves	Lipinski
Camp	Green (TX)	LoBiondo
Cannon	Green (WI)	Lofgren
Cantor	Greenwood	Lowey
Capito	Grucci	Lucas (KY)
Capps	Gutierrez	Lucas (OK)
Cardin	Gutknecht	Luther
Carson (IN)	Hall (OH)	Lynch
Carson (OK)	Hall (TX)	Maloney (CT)
Castle	Hansen	Maloney (NY)
Chabot	Harman	Manzullo
Chambliss	Hart	Matheson
Clay	Hastings (FL)	Matsui
Clayton	Hastings (WA)	McCarthy (MO)
Clement	Hayes	McCarthy (NY)
Clyburn	Hayworth	McCollum
Coble	Hefley	McCrery
Collins	Herger	McDermott
Combest	Hill	McHugh
Condit	Hilleary	McInnis
Conyers	Hilliard	McIntyre
Cooksey	Hinchey	McKeon
Costello	Hinojosa	McKinney
Cox	Hobson	McNulty
Coyne	Hoeffel	Meehan
Cramer	Hoekstra	Meek (FL)
Crane	Holden	Meeks (NY)
Crenshaw	Holt	Menendez
Crowley	Honda	Mica
Cubin	Hooley	Millender
Culberson	Horn	McDonald
Cummings	Hostettler	Miller, Dan
Cunningham	Houghton	Miller, Gary
Davis (CA)	Hoyer	Miller, Jeff
Davis (FL)	Hulshof	

Mink	Rivers	Stupak
Mollohan	Rodriguez	Sullivan
Moore	Roemer	Sununu
Moran (KS)	Rogers (KY)	Sweeney
Moran (VA)	Rogers (MI)	Tancred
Morella	Ros-Lehtinen	Tanner
Murtha	Ross	Tauscher
Myrick	Rothman	Tauzin
Nadler	Roukema	Taylor (NC)
Napolitano	Roybal-Allard	Terry
Neal	Rush	Thomas
Nethercutt	Ryan (WI)	Thompson (CA)
Ney	Ryun (KS)	Thompson (MS)
Northup	Sabo	Thornberry
Norwood	Sanchez	Thune
Nussle	Sanders	Thurman
Oberstar	Sandlin	Tiahrt
Obey	Sawyer	Tiberi
Ortiz	Saxton	Toomey
Osborne	Schaffer	Towns
Otter	Schakowsky	Turner
Owens	Schiff	Udall (CO)
Oxley	Schrock	Udall (NM)
Pallone	Scott	Upton
Pascarella	Sensenbrenner	Velazquez
Pastor	Serrano	Visclosky
Payne	Sessions	Vitter
Pelosi	Shadegg	Walden
Pence	Shaw	Walsh
Peterson (MN)	Shays	Wamp
Peterson (PA)	Sherman	Waters
Petri	Sherwood	Watkins (OK)
Phelps	Shimkus	Watson (CA)
Pickering	Shows	Watt (NC)
Pitts	Shuster	Waxman
Platts	Simmons	Weiner
Pombo	Skeen	Weldon (FL)
Pomeroy	Skelton	Weldon (PA)
Portman	Slaughter	Weller
Price (NC)	Smith (MI)	Wexler
Pryce (OH)	Smith (NJ)	Whitfield
Putnam	Smith (TX)	Wicker
Quinn	Smith (WA)	Wilson (NM)
Radanovich	Snyder	Wilson (SC)
Rahall	Solis	Wolf
Ramstad	Souder	Woolsey
Rangel	Spratt	Wu
Regula	Stearns	Wynn
Rehberg	Stenholm	Young (AK)
Reyes	Strickland	Young (FL)
Reynolds	Stump	

## NAYS—18

Capuano	Goode	Rohrabacher
Davis, Jo Ann	Markey	Royce
DeFazio	McGovern	Simpson
Flake	Olver	Stark
Forbes	Ose	Taylor (MS)
Frank	Paul	Tierney

## NOT VOTING—8

Burton	Mascara	Trafficant
Deutsches	Miller, George	Watts (OK)
Emerson	Riley	

□ 1345

Mr. MCGOVERN, Mr. OLVER, and Mr. TIERNEY changed their vote from "yea" to "nay."

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## PAYING TRIBUTE TO WORKERS IN NEW YORK CITY FOR RESCUE, RECOVERY, AND CLEAN-UP EFFORTS AT SITE OF WORLD TRADE CENTER

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and agreeing to the resolution, H. Res. 424.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr.

OSE) that the House suspend the rules and agree to the resolution, H. Res. 424, on which the yeas and nays are ordered.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 416, nays 0, not voting 18, as follows:

[Roll No. 191]

YEAS—416

Abercrombie	Davis, Jo Ann	Horn
Ackerman	Davis, Tom	Hostettler
Aderholt	Deal	Houghton
Akin	DeFazio	Hoyer
Allen	DeGette	Hulshof
Andrews	Delahunt	Hunter
Armedy	DeLauro	Hyde
Baca	DeLay	Inslee
Bachus	DeMint	Isakson
Baird	Diaz-Balart	Israel
Baker	Dicks	Issa
Baldacci	Dingell	Istook
Baldwin	Doggett	Jackson (IL)
Ballenger	Dooley	Jackson-Lee
Barcia	Doolittle	(TX)
Barr	Doyle	Jefferson
Barrett	Dreier	Jenkins
Bartlett	Duncan	John
Barton	Dunn	Johnson (IL)
Bass	Edwards	Johnson, E. B.
Becerra	Ehlers	Johnson, Sam
Bentsen	Ehrlich	Jones (NC)
Bereuter	Engel	Jones (OH)
Berkley	English	Kanjorski
Berman	Eshoo	Kaptur
Berry	Etheridge	Keller
Biggart	Evans	Kelly
Bilirakis	Everett	Kennedy (MN)
Bishop	Farr	Kennedy (RI)
Blagojevich	Fattah	Kerns
Blunt	Ferguson	Kildee
Boehlert	Filner	Kind (WI)
Boehner	Flake	King (NY)
Bonilla	Fletcher	Kingston
Bonior	Foley	Kirk
Bono	Forbes	Kleczka
Boozman	Ford	Knollenberg
Borski	Fossella	Kolbe
Boswell	Frank	Kucinich
Boucher	Frelinghuysen	LaFalce
Boyd	Frost	LaHood
Brady (PA)	Galleghy	Lampson
Brady (TX)	Ganske	Langevin
Brown (FL)	Gekas	Lantos
Brown (OH)	Gephardt	Larsen (WA)
Brown (SC)	Gibbons	Larsen (CT)
Bryant	Gilchrest	Latham
Burr	Gillmor	LaTourette
Buyer	Gilman	Leach
Callahan	Gonzalez	Lee
Calvert	Goode	Levin
Camp	Goodlatte	Lewis (CA)
Cannon	Gordon	Lewis (GA)
Cantor	Goss	Lewis (KY)
Capito	Graham	Linder
Capps	Granger	Lipinski
Capuano	Graves	LoBiondo
Cardin	Green (TX)	Loftgren
Carson (IN)	Green (WI)	Lowe
Carson (OK)	Greenwood	Lucas (KY)
Castle	Grucci	Lucas (OK)
Chabot	Gutierrez	Luther
Chambliss	Gutknecht	Lynch
Clay	Hall (OH)	Maloney (CT)
Clayton	Hall (TX)	Maloney (NY)
Clement	Hansen	Manzullo
Clyburn	Harman	Markley
Coble	Hart	Matheson
Collins	Hastings (FL)	Matsui
Combest	Hastings (WA)	McCarthy (MO)
Condit	Hayes	McCarthy (NY)
Conyers	Hayworth	McCollum
Cooksey	Hefley	McCrery
Cox	Herger	McDermott
Coyne	Hill	McGovern
Cramer	Hilleary	McHugh
Crane	Hilliard	McInnis
Crenshaw	Hinchey	McIntyre
Crowley	Hinojosa	McKeon
Cubin	Hobson	McKinney
Culberson	Hoeffel	McNulty
Cummings	Hoekstra	Meehan
Cunningham	Holden	Meek (FL)
Davis (CA)	Holt	Meeks (NY)
Davis (FL)	Honda	Menendez
Davis (IL)	Hooley	Mica

Millender	Reyes	Strickland
McDonald	Reynolds	Stump
Miller, Dan	Rivers	Stupak
Miller, Gary	Rodriguez	Sullivan
Miller, Jeff	Roemer	Sununu
Mink	Rogers (KY)	Sweeney
Mollohan	Rogers (MI)	Tancred
Moore	Rohrabacher	Tanner
Moran (KS)	Ros-Lehtinen	Tauscher
Moran (VA)	Ross	Tauzin
Morella	Rothman	Taylor (MS)
Murtha	Roukema	Taylor (NC)
Nadler	Royce	Terry
Napolitano	Rush	Thomas
Neal	Ryan (WI)	Thompson (CA)
Nethercutt	Ryun (KS)	Thompson (MS)
Ney	Sabo	Thornberry
Northup	Sanchez	Thune
Norwood	Sanders	Thurman
Nussle	Sandlin	Tiahrt
Oberstar	Sawyer	Tiberi
Obey	Saxton	Tierney
Oliver	Schaffer	Toomey
Ortiz	Schakowsky	Towns
Osborne	Schiff	Turner
Ose	Schrock	Udall (CO)
Otter	Scott	Udall (NM)
Owens	Sensenbrenner	Upton
Oxley	Serrano	Velazquez
Pallone	Sessions	Visclosky
Pascarell	Shadegg	Vitter
Pastor	Shaw	Walden
Paul	Shays	Walsh
Payne	Sherman	Wamp
Pelosi	Sherwood	Waters
Pence	Shimkus	Watkins (OK)
Peterson (MN)	Shows	Watson (CA)
Peterson (PA)	Shuster	Watt (NC)
Petri	Simmons	Waxman
Pickering	Simpson	Weiner
Pitts	Skeen	Weldon (FL)
Pombo	Skelton	Weldon (PA)
Pomeroy	Slaughter	Weller
Portman	Smith (MI)	Wexler
Price (NC)	Smith (NJ)	Whitfield
Pryce (OH)	Smith (TX)	Wicker
Putnam	Smith (WA)	Wilson (NM)
Quinn	Snyder	Wilson (SC)
Radanovich	Solis	Wolf
Rahall	Souder	Wu
Ramstad	Spratt	Young (AK)
Rangel	Stark	Young (FL)
Regula	Stearns	
Rehberg	Stenholm	

NOT VOTING—18

Blumenauer	Kilpatrick	Riley
Burton	Mascara	Roybal-Allard
Costello	Miller, George	Traficant
Deutsch	Myrick	Watts (OK)
Emerson	Phelps	Woolsey
Johnson (CT)	Platts	Wynn

□ 1354

So (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

#### ANNOUNCEMENT OF INTENTION TO APPOINT CONFEREES ON H.R. 4, ENERGY POLICY ACT OF 2002

(Mr. TAUZIN asked and was given permission to address the House for 1 minute.)

Mr. TAUZIN. Mr. Speaker, the Speaker's office has authorized me to announce that it is the Speaker's intention to appoint House conferees to the conference of the disagreement between the House and the Senate on H.R. 4, the House energy bill, and the former S. 517, the Senate version of the same bill. Upon our return from the Memorial Day recess those conferees will be appointed.

Work in preparation for the conference is proceeding at a steady pace,

and the House will be prepared to meet the Senate in the conference upon our return from the Memorial Day recess.

#### REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1577

Mr. SANDLIN. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 1577.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

#### CUSTOMS BORDER SECURITY ACT OF 2001

The SPEAKER pro tempore (Mr. THORNBERRY). Pursuant to House Resolution 426 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 3129.

The Chair designates the gentleman from New York (Mr. SWEENEY) as chairman of the Committee of the Whole, and requests the gentleman from Illinois (Mr. LAHOOD) to assume the chair temporarily.

□ 1355

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 3129) to authorize appropriations for fiscal years 2002 and 2003 for the United States Customs Service for antiterrorism, drug interdiction, and other operations, for the Office of the United States Trade Representative, for the United States International Trade Commission, and for other purposes, with Mr. LAHOOD (Chairman pro tempore) in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore (Mr. LAHOOD). Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from California (Mr. THOMAS) and the gentleman from New York (Mr. RANGEL) each will control 30 minutes.

The Chair recognizes the gentleman from California (Mr. THOMAS).

Mr. THOMAS. Mr. Chairman, I yield myself such time as I may consume.

This piece of legislation which was up before us some time ago on the suspension calendar is modest but extremely important. Obviously following September 11, and the creation of the homeland security structure, more and more people in positions of responsibility have begun to realize that one of the ways we can assure the security of Americans is to provide a more seamless control of our borders.

Historically, Customs officials have had an important, significant role to play normally in the area of commercial intercourse or commerce.

To the degree that they are going to be asked to integrate with other border

enforcement structures such as security and the like, this bill becomes one of the assisting tools in making that happen. There are other uses looking at antidrug smuggling, antiterrorist, antichild pornography provisions, and in preparing this bill to come to the floor under a rule, since it did not get the two-thirds required on suspension, notwithstanding the fact it got a significant majority vote, the members of the majority looked at the bill and said are there any areas of this bill that we would still like to retain but that probably are far less essential today than they were when the committee moved on this bill some months ago?

Clearly, one of the obvious areas is an attempt to adjust what has been described as an inappropriate or unfair compensation structure for Customs officials at particular locales. Notwithstanding the fact that we believe those adjustments are overdue and need to be made, we offered to the Committee on Rules, and the Committee on Rules accepted, the willingness to delete those provisions which appeared to be controversial.

The labor union that represents Customs workers is not opposed to the bill in its current form, as they said in their letter, as long as this provision does not come back in.

□ 1400

I can assure anyone that if we make a change, our goal is not to change it today and then rechange it tomorrow. The commitment is to make the change now, because the other items in the bill are far more important to move forward and make into law than a debate that has been going on for some time, and I am quite sure will go on for an additional time.

Therefore, this bill is before us today in a form that should not illicit significant opposition, but that we would be very desirous of a significant bipartisan vote to let the American people know that in making sure that our borders are safe and protected, that the Customs Service is in the forefront of moving to the new structure to secure homeland security. This particular bill goes a long way toward assisting in that effort.

Mr. Chairman, I reserve the balance of my time.

Mr. RANGEL. Mr. Chairman, I yield myself such time as I may consume.

Let me join with the chairman in support of those parts of the bill that he spoke about and to indicate that our substitute merely tries to perfect two provisions.

The first provision deals with the question of immunity. I want to say that our customs officials and agencies and employees are our first line of defense against terrorism. They do a fantastic job. But under this particular bill they are granted immunity for their conduct when they perform searches, and personal searches, if indeed the search was made in good faith.

Now, under the Constitution, the standard for liability is not really

whether or not there has been good faith but whether or not it has been reasonable, and that is the proper test that we have to use. This is the constitutional test we have to use. And there is no evidence that blanket immunity by the Federal Government and by the customs agency, even though the search may have been performed in good faith, should leave our American citizens without any recourse.

In our fight against terrorism, we must make certain that we do not do damage to the principles of civil rights and certainly not do damage to the constitutional rights of American citizens. So in the substitute, we maintain the aura of immunity for the particular customs officer, but we do allow for the aggrieved party. If indeed they are found to have been subject to an unreasonable search, they may sue the Federal Government, so that there would be some relief, and some incentives for the customs agencies not just to respond as to what they think is in good faith but what is reasonable under the Constitution.

It just seems to us that we would weaken the protections against racial profiling and other illegal and unconstitutional searches by the customs department if we left our citizens, having been treated in an unconstitutional manner, without any redress at all. It is in times of crisis, such as those we are going through, that truly tests a democracy. And I am certain that in voting for the substitute my colleagues will get the benefits of the bill but also this deficiency will be corrected.

The second thing that is provided here is that under current law the Customs Service is empowered to search without a warrant for inbound mail handled by the United States Post Office. And, of course, this border exception to the fourth amendment is derived from the traditional authority of a sovereign to protect its border against inbound contraband and to collect duties on inbound freight.

But the rationale of the border exception does not allow customs searches of outgoing mail without a warrant. Section 144 would allow customs officials to open mail with reasonable cause, which is a much lower standard than probable cause and would eliminate the need for judicial review. The United States Post Office believes that this is an unreasonable provision. They have written in support of the provision which I have mentioned would be in the substitute where we just strike the provision that gives the Customs Service the power to open mail just because they think it is reasonable but they do not have probable cause to do it.

Mr. Chairman, I ask unanimous consent to yield the balance of my time to the gentleman from Georgia (Mr. LEWIS), a distinguished member of the Committee on Ways and Means, and ask that he be allowed to allocate time based on the requests made of him.

The CHAIRMAN pro tempore (Mr. LAHOOD). Is there objection to the re-

quest of the gentleman from New York?

There was no objection.

Mr. THOMAS. Mr. Chairman, I yield myself such time as I may consume. Let me respond briefly to the two provisions that my colleague from New York referred to.

That same letter that indicated that the union would not oppose if we move the labor provisions is in strong support of the immunity provision for customs inspectors. Rarely do you have a job which basically says you will examine people as they come across the border. There are clearly provisions, customs guidelines, that determine racial, religious, ethnic and gender profiling that prohibit that but do allow some protections for the customs officer.

If anyone would listen to the case histories of some of these cases that are in the courts, for example notwithstanding the fact that someone was searched and contraband was found, they nevertheless wanted to sue because they did not believe the customs officials had a right to search them. And that was notwithstanding the fact that the obvious evidence of the contraband on them was more than enough reason for the customs official to search them.

Mr. Chairman, I believe the substitute is a good-faith effort, but they are trying to walk a fine line; and it is the majority's opinion that there is no fine line that you can walk. Because if you provide inspectors immunity, and the Federal Government supports that immunity under a very clear guideline that would not violate any racial, religious, ethnic or gender profiling approach, then they are saying the Federal Government should waive its sovereign immunity notwithstanding. That then creates a new unprecedented class of Federal torts and we are right back in the courtroom with years and years of lives of people who were simply carrying out their job under a very narrow proscribed set of rules. Because even if they do that, there is no protection against this new form of Federal torts if the Federal Government waves its sovereign immunity.

It seems to me in this particular era, we either back up these people or we do not. If they are following the rules, we should protect them. If they are not, there are clear procedures to make sure they are treated in a manner they should be treated in if they violate administrative policy in carrying out their jobs.

So in looking at the bill itself, I do hope Members appreciate the broad support that the underlying bill has, and that although the substitute focuses on a couple of areas that will be addressed beyond the immunity question, if we are going to allow a true examination of the ways in which we can protect this country, under a search warrant, it seems entirely appropriate that based upon sufficient suspicion you ought to be able to read a piece of outbound mail. Under the courts of



this country, you would only be allowed to then take a look at what the content of the mail was. But it seems to me if you can have the ability to deal with it with inbound mail, you certainly ought to, with full court protection, have the ability to look at it in terms of outbound mail as well.

As we are now becoming more and more aware through the news media of the ability of various terrorist groups to communicate using the modern technology which allows for rapid communication, and certainly would not ignore the good old-fashioned postage stamp on an envelope, if it was given unusual constitutional protection and they knew that no official of the government could, even with a court order, take a look at what was in a particular envelope that appeared very, very suspicious.

We believe it is an essential part of the bill; and we would like to retain it in the bill. Therefore, my colleagues should vote for the bill and against the substitute.

Mr. Chairman, I ask unanimous consent that the remainder of my time be controlled by the gentleman from Illinois (Mr. CRANE), the chairman of the Subcommittee on Trade, and that he be allowed to disperse the time in such manner as he sees fit.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. LEWIS of Georgia. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. HINOJOSA).

Mr. HINOJOSA. Mr. Chairman, I thank the gentleman from Georgia (Mr. LEWIS) for yielding me this time.

I rise in support of H.R. 3129, the Customs Border Security Act of 2001. As a Member representing a border community, I am pleased that Congress is taking action to improve the security of our borders. The customs officials and inspectors who work along the U.S.-Mexico border are hardworking, dedicated people, who do an outstanding job with very limited resources. For too many years they have been short staffed and have worked long hours of overtime to keep our ports open. I want to thank the members of the Committee on Ways and Means for recognizing this problem.

This bill will authorize funding to hire additional personnel and to upgrade detection and inspection equipment. This new equipment and personnel will make it easier for customs officials to stop illegal drug trafficking and improve our anti-terrorism capabilities. At the same time, it will help keep trade, the lifeblood of border communities, moving efficiently through our ports.

I want to commend the ranking member, the gentleman from New York (Mr. RANGEL), for his work in crafting an amendment that improves the underlying bill by addressing several concerns expressed by groups like the National Council of La Raza and the

American Civil Liberties Union. The Rangel amendment protects customs officials from personal liability for monetary damages in civil suits while at the same time providing recourse to individuals whose civil rights are violated.

Our Nation's security depends on the security of our borders and ports. I urge my colleagues to support the Rangel amendment and the underlying bill.

Mr. CRANE. Mr. Chairman, I yield 4 minutes to the gentleman from Alabama (Mr. BACHUS).

Mr. BACHUS. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, the approach taken in this legislation to outbound mail only makes common sense. There ought to be parity between outbound mail and inbound mail. Presently, there is absolutely no dispute that customs can search all inbound mail. And they do that. However, despite a number of court decisions, despite the Federal regulations, despite code provisions, postal regulations do not allow the post office to search outbound mail. It makes no sense.

If you ship something by FedEx or UPS, if you put it in a car, put it on a ship, fly it in an airplane, even put it in your own pocket and you leave the country, you are liable to search. The only search that is not allowed is if you put it in an envelope and mail it out.

Now, this disparity has been addressed, and I will name those decisions. There have been two Supreme Court decisions, *Shultz*, the *Ramsey* case. The Ninth Circuit has considered this; the Fifth Circuit has considered this. They have all said that customs has the right to do it. But what happens when they try to do it? Well, the postal service does not allow them to do it.

Now, as a result, when the postal service has stopped this, there have been several protests lodged. In fact, the first was that we had testimony in this Congress in 2000 and 2001 that drug dealers were using outbound mail to ship the proceeds of drug sales. And, in fact, I introduced at a committee hearing a drug dealer's Web site where they say this. Here is what they say, and I am going to submit this for the RECORD.

□ 1415

"Do not use UPS, Federal Express, or any other overnight express service, as customs may look at it. Regular mail is anonymous and safe."

That is actually on a drug dealer's Web site. But it was not just the drug dealers who knew this. President Clinton commissioned the International Crime Control Strategy Committee, a bipartisan committee. They looked at that. Among their findings was this:

"Customs has identified various methods of currency smuggling that remain a challenge. Notable among these methods is the exploitation of

the U.S. mail. Hundreds of thousands of dollars can be smuggled out of the United States, at only the cost of postage, in letters and packages."

But scariest of all is testimony that we heard prior to September 11 that terrorists were using the U.S. mail, that they were exploiting the U.S. mail. We heard testimony, the committees of this Congress, that we were creating one of the greatest enforcement stumbling blocks United States agencies had in fighting terrorists and money laundering. Despite that, the post office continued not to cooperate with the Treasury, the FBI and the customs. Therefore, we had this headline which we could have avoided or possibly avoided by adopting this language prior to September 11: Attacks Show a Lack of Cooperation Between Agencies.

Has September 11 not taught us one thing? Has it not taught us that the post office ought to be a partner in our fight against terrorism? This language should have been adopted before September 11. Let us adopt it now. Let us slam the door on money launderers, terrorists and drug dealers and let us do it today.

The U.S. Customs Service should be able to inspect merchandise that is exiting the United States through the U.S. Postal Service—just like it can inspect all merchandise that enters the United States through the Postal Service.

Existing law enables the U.S. Customs Service to inspect merchandise exiting the United States via any mode of transportation—including truck, ship, car, airplane, private express carrier, or person.

The Postal Service claims that it is exempt from these laws—making it the only mode of export for which Customs cannot inspect outbound merchandise.

Customs' inspection of outbound and inbound merchandise is Constitutional.

Under the Constitution, the Customs Service has outbound and inbound border search authority for all merchandise, including that carried on or in an airplane, vessel, vehicle, person, package, or envelope departing or entering the United States. Neither the Fourth Amendment nor any statute prohibits Customs from inspecting outbound merchandise.

Courts have upheld Customs' general border search authority, and in particular over inbound mail and outbound shipments. These decisions support Congress acting to affirm Customs' authority. See *United States v. Ramsey*, 431 U.S. 606 (1977); *United States v. Berisha*, 925 F.2d 791 (5th Cir. 1991); *United States v. Ezeiruaku*, 936 F.2d 136 (3d Cir. 1991); *United States v. Cardona*, 769 F.2d 625 (9th Cir. 1985); *United States v. Udofo*, 711 F.2d 831 (8th Cir. 1983).

Some enterprising sellers of illegal drugs have even boldly stated on their internet site that mail-order customers should use the mails to avoid inspections:

"Do not use UPS, Federal Express, or any other overnight express service, as customs may look at it. Regular mail (registered, if you like), is anonymous and safe."

Recent congressional testimony of Customs pointed to the lack of export examination requirements as to USPS shipments as the



"greatest enforcement stumbling blocks," creating "a money launderer's dream-come-true." Testimony, U.S. Customs Service, House of Representatives Committee on Government Reform, Criminal Justice, Drug Policy and Human Resources Subcommittee Hearing, May 26, 2000.

Customs testimony at this hearing pointed out that not just money laundering is involved, that this "loophole literally creates a haven for smugglers of all kinds. A flawed system such as this can facilitate many other illegal exports and intransit shipments such as child pornography, items or materials to be used in terrorist attacks, weapons, sensitive military or high tech products not licensed for exportation . . ."

The Postal Service's position is clearly anti-law enforcement and allows the US Postal Service to be the outbound smuggling method of choice for drug cartels and other criminal entities. No public policy is served by exempting outbound Postal Service shipments of merchandise from Customs' inspection.

PROTECT THE U.S. BORDER WHILE MAINTAINING PRIVACY—PRIVACY OF THE U.S. MAIL IS NOT AT RISK

PARITY BETWEEN OUTBOUND AND INBOUND MAIL SHIPMENTS

The U.S. Customs Service should be able to inspect merchandise that is exiting the United States through the U.S. Postal Service—just like it can inspect all merchandise that enters the United States through the Postal Service. [19 U.S.C. §482; 19 U.S.C. §1581; 19 U.S.C. §1582; 19 C.F.R., Part 145; 19 C.F.R., Part 162]

#### PARITY BETWEEN MODES OF EXPORT

Existing law enables the U.S. Customs Service to inspect merchandise exiting the United States via any mode of transportation—including truck, ship, car, airplane, private express carrier, or person. [22 U.S.C. §401; 22 U.S.C. §2778; 31 U.S.C. §5317; 50 U.S.C. App. §2411]

The Postal Service claims that it is exempt from these laws—making it the only mode of export for which Customs cannot inspect outbound merchandise.

#### CONSTITUTIONAL BASIS

Customs' inspection of outbound and inbound merchandise is Constitutional.

Under the Constitution, the Customs Service has outbound and inbound border search authority for all merchandise, including that carried on or in an airplane, vessel, vehicle, person, package, or envelope departing or entering the United States. Neither the Fourth Amendment nor any statute prohibits Customs from inspecting outbound merchandise. [See, e.g., *California Bankers Assn. v. Shultz*, 416 U.S. 21 (1973). *United States v. Ramsey*, 431 U.S. 606 (1977). *United States v. Cardona*, 769 F.2d 625 (9th Cir. 1985). *United States v. Whiting*, 781 F.2d 692 (9th Cir. 1986). *United States v. Berisha*, 925 F.2d 791 (5th Cir. 1991).]

#### LETTER PRIVACY

Allowing Customs to inspect outbound merchandise sent via the Postal Service does not change the law that Customs Officers may not open sealed letter class mail that only contains correspondence without a warrant or consent. [19 C.F.R. §145.3]

For inbound Postal Service shipments, the Customs regulations prohibit Customs officers from opening letter class mail that contains only correspondence except when either a warrant or the consent of the sender/addressee is obtained. The Postal Service has endorsed these regulations for inbound shipments and they could easily be applied to outbound Postal Service shipments.

Mr. LEWIS of Georgia. Mr. Chairman, I yield 4 minutes to the gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT. I thank the gentleman for yielding time.

Mr. Chairman, I rise in opposition to H.R. 3129, the Customs Border Security Act, in its present form and urge my colleagues to support the substitute offered by the gentleman from New York (Mr. RANGEL).

Section 141 of H.R. 3129 is problematic because it offers full immunity from civil damages if a customs officer performed the search in so-called good faith. Since the bill does not define what constitutes good faith, it effectively expands the current immunity standard to the point of making it nearly impossible for a person to seek redress against a customs officer for an unconstitutional search.

Under current law, government officers performing their specified functions are afforded qualified immunity from civil damages as long as the officer's actions do not violate clearly established statutory or constitutional rights which a reasonable person would have known. The Fourth Circuit Court of Appeals said in 1992 that officers "are not liable for bad guesses in gray areas, they are liable for transgressing bright lines." That is the current law.

The availability of qualified immunity is determined against a standard of objective reasonableness. Whether an officer may be held personally liable turns on the objective legal reasonableness of the action assessed in light of the legal rules that were clearly established at the time the action was taken. As the Supreme Court said in 1986, the present qualified immunity protects "all but the plainly incompetent and those who knowingly violate the law."

But this bill seeks to go further and extends the immunity to situations where customs officers allege that they were acting in good faith, regardless of whether they were transgressing a bright line in the law or not, and regardless of whether they should have known that their actions violated the law. Under this bill, a customs officer could engage in blatantly discriminatory conduct; but if he believed it was in good faith, then he could not be held liable.

Let us remember what we are talking about here. Unconstitutional, unreasonable searches by government officials, searches which could include strip searches and so-called cavity searches. Mr. Chairman, many of these searches have been found to have been conducted pursuant to policies of racial profiling. A March 2000 General Accounting Office report found that while African Americans were nine times more likely to be searched than white Americans, they were no more likely to be found to be carrying contraband. The only way to give victims an effective means to stop these practices is through lawsuits. And here we have a bill that will throw some of these peo-

ple out of court, deny them compensation for violations of their constitutional rights, and make it even less likely that these illegal searches will be stopped.

The substitute offered by the gentleman from New York (Mr. RANGEL) offers a more balanced approach. Those aggrieved will still have their day in court, because although customs officers will still be immune from liability under the substitute, the Federal Government will ultimately be liable for violations. In cases like these, the government, rather than the individual officer, usually ends up paying the judgment anyway, so this should not be a significant burden. And this is a fairer alternative since the immunity is preserved but the person who is victimized can still be made whole, and the Federal Government will be encouraged to correct the practices of its employees.

I urge my colleagues to vote in favor of the Democratic substitute and, if it fails, to vote against H.R. 3129.

Mr. CRANE. Mr. Chairman, I yield 4 minutes to the distinguished gentleman from California (Mr. CUNNINGHAM).

Mr. CUNNINGHAM. Mr. Chairman, we pass a lot of legislation on the floor, and I hold very seriously what we are doing today. A lot of people do not understand, I think, those that listen to us, miss the significance of what we are doing. I support first amendment rights. There are certain limitations in which I think we all agree. I just sat through a Permanent Select Committee on Intelligence hearing, which I am very limited in what I can say about the memo that was written by Mr. Williams, and the reasons why that much of the information was not passed forth is because of the politically correct environment, the liability environment, the civil liberties union going after our agents for things in doing their job in which their hands are tied.

I think all of us after September 11 are living in a different world. Do we want people violated? No. But I will tell you, if an agent, whether it is DEA, whether it is customs or whether it is INS, feels that I am suspect due to my activities, due to suspicions or I am reacting a certain way, then I have no ill feelings to those individuals that search me. Every time I go through the airport now, and I do not think I look like a terrorist, although the gentlewoman from California (Ms. WATERS) says, yes, I do. I disagree with the gentlewoman from California. But every day that I go through the airport, I had a knee replacement and I have got a steel knee. I have to stand and spread eagle, they go through my bags, I have to take off my shoes and put those through the machine. Does that violate my civil liberties? Yes. But in the name of protection of this country, I feel it is very, very important. There are some inconveniences.

Do you realize that today we have many of the people that we suspect as

being terrorists that produce pro al Qaeda and pro bin Laden information in Arizona that are still in those flight schools? And our agents cannot deport them because under the first amendment they have got all the rights that they can. They are recruiting individuals to go fight in Afghanistan to defeat the Western world. One of the things we need to do is these individuals before a visa is ever granted, to do a better background research before we ever let them in. Because once they get in here, we sure as heck cannot get rid of them because of our politically correct laws which I feel personally endanger us in this country.

We had two individuals in 1999 on an airline, known al Qaeda supporters. One looked suspicious. The other actually went up and rattled the airline door, and they stopped. These individuals were arrested when they landed. They are now suing the airline for racial profiling. I guarantee you, there is some liberal judge out there that is going to grant them the case. My point is that if a customs agent feels with their professional training that there is a problem, a risk to American citizens, they be given the right to protect us, whether it is an Irish guy like myself or anyone else.

The gentleman from New York (Mr. RANGEL) is one of my heroes. He is a Korean war veteran, fought for us, and we are good friends. But I think in this fine line of defense I would disagree with my friend from New York.

Mr. LEWIS of Georgia. Mr. Chairman, I yield 4 minutes to the gentleman from Texas (Ms. JACKSON-LEE).

(Ms. JACKSON-LEE of Texas asked and was given permission to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. I thank the distinguished gentleman from Georgia (Mr. LEWIS) for yielding me this time.

Mr. Chairman, with great respect to the previous speaker and certainly his service to this country, I do believe that there is value in the balance between civil liberties, the Bill of Rights, and the Constitution. I might say as well that the headline read by one of the speakers, "Agencies Don't Communicate," goes far deeper than violating the civil liberties and civil rights of Americans who travel throughout this Nation. Let me say for once what we should be focusing on is very much what is transpiring in the Permanent Select Committee on Intelligence, but it should be going on in the Committee on Armed Services, it should be going on in Judiciary, Committee on International Relations, and a number of other committees and a select committee to investigate what happened in light of the July 6 memo and the August memo. The question is not so much as to agencies communicating; it is whether or not internally the memo went where it was supposed to go and it was acted upon, whether or not the FBI and the CIA communicates. This legislation does not speak to that issue.

And so I rise to oppose this bill today in its present form, and I rise to support the substitute by the gentleman from New York (Mr. RANGEL). It is clear that the customs agents are to be respected and the work that they do is to be respected; but a violation and an undercutting and an undermining of civil liberties is not the solution to fighting terrorism. This bill would weaken protection against racial profiling and other illegal searches and undermine the right to privacy in personal correspondence.

Mr. Chairman, I would like to tell the story of Yvette Bradley, a 33-year-old advertising executive and her sister who arrived at Newark airport from a vacation in Jamaica. She is an African American woman. Upon encountering customs agents, Ms. Bradley recalls that she along with most of the other black women on the flight were singled out for searches and interrogation where she experienced one of the most humiliating moments of her life.

Ms. Bradley was searched throughout her body, including her private parts. And, of course, Mr. Chairman, no drugs or contraband was found. The gentleman from Georgia (Mr. LEWIS), of course, is well aware of these cases, as being a strong advocate on diminishing racial profiling by the U.S. customs department. I too happen to be a strong supporter of the customs department and its agents and the responsibilities they have. As we have said repeatedly on this floor, there is not a thin line of difference between Democrats and Republicans and others on fighting terrorism. Interestingly enough, however, they have all of the provisions that they need to ensure the safety of the Nation. That is, the customs department and the agents. The PATRIOT Act gave a number of new restrictions that would assist in fighting terrorism. There is no need in this bill to give a pass on the Bill of Rights and the Constitution, the understanding of unreasonable searches and seizures. It is unfair. The ability to search mail more than they have now is unfair, and it is not a solution to terrorism.

The legislation did not go to the Committee on the Judiciary. This legislation came out of the Committee on Ways and Means on a party vote. It is simply ludicrous that we throw to the wind our Constitution when we are fighting terrorism around the world. This bill fails to address the very serious problems of racial profiling and the invasion of privacy by our customs agents. It throws to the wind the ability to secure relief from the government if you are unfairly racially profiled. Mr. Chairman, it is going on right now. In spite of the random selection, I believe it is going on right now as we speak in our airports of random or racially profiled selections of individuals.

In addition, with respect to the mail provision, I believe that the substitute provides us a much better offering of this legislation. I would ask my col-

leagues to support the substitute; and if that substitute should fail, I would ask my colleagues to oppose the bill in its present form, that is, H.R. 3129.

□ 1430

We must find a better way to fight terrorism. I think what we can begin by doing is communicating with the agencies and for the agencies to do their jobs.

As I have said in the past, I have great respect for the services of the men and women in the Customs service. This legislation, with the civil liberties protection, will further support their work.

Mr. Chairman, I rise to oppose this bill today in its present form and rise to support the substitute by Mr. RANGEL. The bill would weaken protections against racial profiling and other illegal searches and undermine the right to privacy in personal correspondence. Mr. Speaker, I would like to tell the story of Yvette Bradley. A 33-year-old advertising executive and her sister arrived at Newark Airport from a vacation in Jamaica, an African American woman.

Upon encountering Customs agents, Ms. Bradley recalls that she, along with most of the other black women on the flight, were singled out for searches and interrogation, where she experienced one of the most humiliating moments of her life. Ms. Bradley was searched throughout her body including her private parts. Mr. Chairman, no drugs or contraband was found.

I happen to be a strong supporter of our Customs agents and the responsibilities that they have. Interestingly enough, however, they have all of the provisions that they need to ensure the safety of this Nation. To take away, to give them a bye, a pass, on the Bill of Rights and the Constitution, the understanding of unreasonable search and seizures, is unfair. The ability to search mail, more than they have now, is unfair and it is not a solution to terrorism.

This legislation did not go to the Committee on the Judiciary. This legislation came out of the Committee on Ways and Means on a party vote. It seems simply ludicrous that we throw to the wind our Constitution when we are fighting terrorism around the world.

This bill fails to address the very serious problems of racial profiling and invasions of privacy by our Customs agents. The Customs Service has a poor record on racial profiling. A March 2000 General Accounting Office report found that while black female U.S. citizens were nine times more likely than white female U.S. citizens to be subjected to x-ray searches by the Customs Service, these black women were less than half as likely to be found carrying contraband as white females.

Mr. Chairman, the bill before us today, H.R. 3129, contains a number of problematic provisions that perpetuate these kinds of insidious acts. Most notably, two provisions raise significant constitutional and civil liberties concerns. First, the Good Faith Immunity provision of section 141 provides Customs inspectors immunity from lawsuits stemming from personal searches of people entering the country so long as the officers conduct the searches in "good faith." Importantly, this provision has nothing to do with preventing terrorists from boarding airplanes. Customs officers search passengers when they are exiting the plane,

not when they are boarding. Nothing in the provision limits it to terrorist investigations.

Section 141 of the bill provides immunity to a Customs officer conducting a search of a person or property provided he or she was acting in "good faith." The term "good faith" is not defined in the bill.

Customs Service agents should not be provided with additional immunity because the Customs Service has an uneven record on racial profiling, it routinely conducts particularly intrusive searches, and has broad authority to seize property. A March 2000 General Accounting Office report found that while African American men and women were nearly nine times more likely to be searched as white American men and women, they were no more likely to be found carrying contraband. I do support the Rangel substitute which balances protecting hard working customs agents against liability while still allowing the grieved citizen the right to sue for unjust acts against them.

Section 144, "Border search authority for certain contraband in outgoing mail," would allow the U.S. Customs Service to open outbound international mail without a warrant if they have reasonable cause to suspect the mail contains certain contraband. Under current law, the Customs Service is empowered to search, without a warrant, inbound mail handled by the United States Postal Service and packages and letters handled by private carriers such as Federal Express and the United Parcel Service.

Section 144 would allow Customs officials to open sealed, outbound international mail without a warrant, without probable cause, and without any judicial review at all. People in the United States have an expectation of privacy in the mail they send to friends, family, or business associates abroad. The Customs Service's interest in confiscating illegal weapons' shipments, drugs or other contraband is adequately protected by its ability to secure a search warrant when it has probable cause. Short of an emergency, postal officials can always hold a package while they wait for a court to issue a warrant. I support the substitute of Mr. RANGEL which upholds present law requiring a warrant before mail is searched.

Recently, the U.S. Postal Service wrote a letter to the Chairman of the Financial Services Committee on the issue of searching outbound mail without a warrant: "There is no evidence that eroding these long established privacy protections will bring any significant law enforcement improvements over what is achieved using existing, statutorily approved law enforcement techniques."

I urge my colleagues to vote "no" on H.R. 3129 because the bill would weaken protections against racial profiling and other illegal searches and undermines the right to privacy in personal correspondence.

Mr. CRANE. Mr. Chairman, I yield 4 minutes to the gentlewoman from Connecticut (Mrs. JOHNSON), our distinguished colleague on the Committee on Ways and Means.

Mrs. JOHNSON of Connecticut. Mr. Chairman, I thank the chairman for yielding me time and rise in strong support of this legislation.

Mr. Chairman, I want to remind the body that this bill will provide \$10 million for the Customs Cyber-Smuggling

Center. This center, along with FBI, does all that work that is so critical to protecting our children from people who lurk on the Internet in cyberspace with the explicit and sole goal of exploiting them for sexual purposes.

The Internet has become not only an opportunity for all of us and for America, but it has also become a new venue for crime. While most Members are not aware of it, most of the child pornography that flows into America from abroad now flows in through cyberspace. So the Customs officials are extremely involved in preventing cyber-smuggling of pornographic material and stopping the cyberspace attacks on our children.

The Customs officials are very skilled now at going into the chat rooms on our computers, following the conversations that go on there and spotting those individuals who are posing as young people but are actually adults out to lure children into meetings where they can be sexually exploited, or, in the tragic case of a young girl in Connecticut, murdered. That happened just this week.

So the computers, their chat rooms, cyberspace, represents a new and terrible danger for our children. These same people used to lurk around school yards. That did have at least the advantage of our being able to see them and adults being able to report them and the police being able to pick them up. Now they do not have to lurk around school yards. They do not have to be seen visibly. They can lurk in the chat rooms that our children frequent and they can play on their innocence and their trust to build up communication with them and to give them the confidence to meet them. Then, when they have the meeting, when they get the child in their literal physical grasp, that child then is helpless.

So the Customs Cyber-Smuggling Center has been on the front line of stemming this attack on our children, and this bill gives them \$10 million that is critical to their beefing up their staff, to their being more effective in intercepting conversations with children and preventing those critical meetings and thereby protecting our children. So I commend the chairman on this legislation, and particularly for being able to work with us and include this critical money in this bill.

But I also want to address the importance of voting for the bill and voting against the substitute. The protection that is given to the Customs officials in this bill is protection that was requested by the Customs Department, that is wanted by the Customs officers, that was supported by the Treasury last time around on this bill and responds very deeply to their need to be protected just for doing their job.

There are tragic stories of Customs officials carrying out their responsibilities, doing what they are required by law to do to protect us, and then being sued, left out there by the government to pay all their own costs of the litigation,

losing their homes. There are terrible stories, and only because they are doing their job.

But we encourage litigation in our society. We encourage settlement of suits where there has been no wrongdoing, and we leave our Customs officials exposed. They explicitly asked for this protection. We can do no less than provide it for them.

Mr. LEWIS of Georgia. Mr. Chairman, I yield 2 minutes to the gentlewoman from Florida (Mrs. MEEK).

Mrs. MEEK of Florida. Mr. Chairman, I think the Rangel substitute does a lot to help this bill. I am in support of the Rangel substitute and am opposed to the bill in its current form.

First of all, Customs officials do need protection. We do need the agents of the Customs department to receive protection. The government is the one who should feel the full brunt of this. So we want to be sure our Customs agents are protected.

I do not take a second seat to anyone and I yield to no one in my support of the war against terrorism, but I refuse to accept government agents engaging in misconduct as a good faith method, in that the standards many times are too subjective, and we have seen it in law enforcement all around. We make the standards so vague and subjective that, when people abuse them, we are not able to bring them to task. These things are not grounded in the law. So we have to be very careful, and that is what the Rangel substitute does.

Secondly, we do not need to expand the search that the Postal authorities are doing without probable cause. The Postal Service opposes this provision, with good reason.

Racial profiling is too rampant and too important now. I urge my colleagues that when there is any hint of anything that would lead to impropriety or abuse of the civil rights and human rights of any individual, we should oppose it. Therefore, I oppose this bill, and I support the Rangel substitute.

Mr. CRANE. Mr. Chairman, I reserve the balance of my time.

Mr. LEWIS of Georgia. Mr. Chairman, I yield 4 minutes to the gentleman from California (Mr. BECERRA).

Mr. BECERRA. Mr. Chairman, I thank the gentleman from Georgia for yielding me time.

Mr. Chairman, this is a bill which, compared to previous versions, certainly has done much better for our country and does much better for our Customs officers, our men and women in the Customs Service. This bill does not try to mistreat our employees, the men and women who place themselves in harm's way every day to defend this country against terrorism, who try to interdict the drugs that many would have come into our country, and it treats them the way they should be treated, with respect, when it comes to their employment status, their salary, their working conditions.

Those previous versions of the bill which would have harmed our Customs

men and women are not in this bill, and that is good. We also give Customs the tools it needs to be able to fight terrorism, to fight narcotics that would come into this country, and that is good as well.

But for some reason this bill continues to include 2 provisions which under our Constitution would harm Americans, and that is bad. There is no reason why we should tell an American citizen that he or she is suspect simply because they happen to reside in this country and wish to send a piece of mail abroad. There is no reason why we should treat American citizens in their regular activities of sending correspondence abroad the way we treat foreign correspondence and packages that would come into our country.

I can understand and most of us would understand why it is we would have concern in a package coming from some other country into our country, and perhaps, perhaps, containing a bomb, anthrax, who knows what else it might have. For that reason we provide that package with less of the type of constitutional protection that we provide all of us in America when it comes to our privacy.

But when Americans are shipping something abroad, is there any reason why we are telling them we are going to open up their mail that goes abroad, open up packages, unless we have some suspicion there is reason to go in that?

Right now we can open up a package that is going abroad, but we just have to prove there is a reason why we are going to go into the privacy of each and every American citizen to do so. This bill changes the privacy right we have had since the founding of this Nation. That is wrong.

The other provision here that I believe if most Americans knew about it would be offensive to them is that which would allow profiling. Most of our Customs officers do not do this, but we have seen on occasion how someone is picked out of the crowd, and our numbers, our studies by Customs itself, have shown that the people that most often get picked, unfortunately, are African American women, succumbing to things like strip searches.

Now our government on occasion has been subjected to lawsuits because of the violations of the Constitutional rights of these individuals. Why are we going to make that easier and why are we going to tell Customs officers we do not have enough faith in them and that we are going to go ahead and let them have an exception to the law? Why would we want to tell people in this country that we are going to lower the standard of protection for people when it comes to their civil rights, simply so that we can protect the bad apples?

Everybody has a bad apple. We have bad apples in this whole institution. But that is no reason to say that every single officer in Customs is bound to violate an American citizen's rights by subjecting them to an unconstitutional search and seizure.

I do not think our Customs officers have requested this. I never heard that in committee, that they requested this. There is no reason to go to the point of providing immunity to Customs officers who violate the Constitution. They already have a qualified immunity to those types of protections. Why are we going beyond what they have even asked for?

In committee, when we asked the general counsel for Customs, please explain why you are asking this particular immunity exception to be applied, we could not get a good answer from the general counsel of the Customs Service.

This is a good bill. Why tarnish it with something that is unnecessary? Of course, most people are going to vote for this because most people will look at the fact that we are providing additional resources to Customs and doing the right thing for most of our officers. This does not belong there. That is why you should vote for the substitute. A vote for the substitute gets rid of the bad and makes this a completely supportable bill.

Mr. CRANE. Mr. Chairman, I reserve the balance of my time.

Mr. LEWIS of Georgia. Mr. Chairman, I yield myself such time as I may consume to close.

Mr. Chairman, at the outset, Mr. Chairman, I would like to ask a question: Do we know what a terrorist looks like? Did we know on April 19, 1995, that a man would get in a Ryder truck and drive it into the Federal Building in Oklahoma? Did we know just a few short days ago that a young college student, the age of 21, would put pipe bombs in mailboxes in several Midwestern and Western States?

Mr. Chairman, I must tell you I rise in strong opposition to the Customs Border Security Act of 2001, H.R. 3129. This bill threatens to violate and weaken the civil rights of innocent passengers by granting Customs officers immunity from lawsuits involving personal searches.

H.R. 3129 would increase the chances of racial profiling and illegal searches. This bill will also violate personal privacy by expanding the power of the Customs Service to search mail leaving the United States without a warrant.

While I, like many, appreciate the attempts made by the Customs Service to address its poor record of racial profiling of passengers, now is not the time to grant Customs officers immunity from lawsuits. Civil lawsuits against government officials and agencies are an important deterrent to racial profiling and unconstitutional and unlawful searches. As public officials, Customs agents already have qualified immunity, which is more than adequate to protect them if acting within the scope of their official authority.

Without the possibility of a lawsuit, individuals who have been treated in an unconstitutional manner by a government agency would have no redress, and the government agents would have

less incentive to comply with the Constitution.

Mr. Chairman, I urge my colleagues to protect the civil rights of innocent passengers and oppose this bill.

Mr. Chairman, I yield back the balance of my time.

Mr. CRANE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, H.R. 3129, the Customs Border Security Act of 2001, is the authorization for the U.S. Customs Service, International Trade Commission and Office of the U.S. Trade Representative through 2004. We have included a number of critical tools for fighting terrorism, drugs and child pornography.

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The legislation will help customs close a gap in our border that lets illegal money be taken out of the country. This legislation will also significantly increase customs' ability to stop the flow of illegal drugs over our borders and into our children's hands. When this bill came to the floor last year, it was caught up in the general debate on trade and the subject of a lot of misinformation. I want to clear the record for Members' benefit.

The administration was intimately involved in drafting this bill and requested several measures that are here. There is a provision to require advanced electronic manifesting on passengers and cargo so that the Customs Service can have advanced notice of who is in planes and what is on ships about to land on American soil. This provision has attracted the most attention recently, as many agencies of the government, especially law enforcement and intelligence, currently obtain information through customs. It is clear that customs will be requiring more information in the future for antiterrorist efforts. It is equally clear that customs is the logical place to house the current and future data collection system that must interface with importers and carriers of all kinds. Through better and quicker information, the Federal Government can prevent crimes and keep our economy alive with the critical flow of trade.

Similarly, we seek to give our customs inspectors some protection, considering that now more than ever they will be scrutinizing and watching people who come into the country, knowing full well that the next terrorist may be stepping off the plane. For those who act in good faith, inspectors should not have to be afraid of frivolous lawsuits, so we are proposing that they have immunity against such lawsuits unless they wrongly use race, ethnicity, religion, or gender to profile passengers. At the committee markup, administration officials testified that they had drafted this provision and support it. The union representatives of the customs inspectors have specifically written in support of this provision. They make a strong case, and Congress should pass this provision.

The administration also requested that customs be able to search outgoing mail because the U.S. mail is often used to transmit laundered money out of the country. I want to assure members of the committee that we looked carefully at the privacy issues involved here and believe we adequately addressed them in this legislation. Our bill preserves our cherished fourth amendment rights against unwarranted search by requiring that no letter may be read by customs officers unless a valid warrant is obtained, just like current law with respect to inbound mail. Remember, money from illegal activities is what leads us to terrorists and drug smugglers.

We have increased funding to reestablish the New York Customs offices and an additional increase in funding to upgrade our textile transshipment monitoring and enforcement operations. We add \$10 million for the Customs Cyber-smuggling Center. This legislation also contains authorization for funding for customs' new automation, the Automated Commercial Environment.

Mr. Chairman, I urge all of my colleagues who are serious about stopping terrorism, drugs, and online child pornography, while keeping our trade flowing, to support this bill. I urge my colleagues to support it.

Mr. SERRANO. Mr. Chairman, on behalf of the Latino community I urge my colleagues to oppose H.R. 3129, the Customs Border Security Act, and to strongly support the Rangel substitute. H.R. 3129 will expand Federal authority for U.S. Customs officers by granting them expanded "good faith" immunity. Expanding Customs officers' immunity would only undermine the civil rights of many individuals who would be left without recourse to remedy unconstitutional and discriminatory searches, particularly when this agency has a history of targeting minorities. The Rangel substitute correctly addresses the racial profiling concerns while ensuring that customs inspectors are not liable for monetary damages in civil suits involving personal searches. The U.S. government would consent to be sued and to be held liable for civil damages for suits brought in connection with a wrongful personal search.

According to a Customs Service study conducted in fiscal year 1998, almost half of the people searched by customs were Latino or African-American, although the contraband produced by the searches was lower for minorities than for whites. Another study by the GAO in March 2000 revealed that black female U.S. citizens were nine times more likely to be subjected to X-ray searches by U.S. Customs officials than their white counterparts, although black women were less than half as likely to be found carrying contraband as white women.

There is also no reason why Customs needs expanded authority to search outgoing international mail without a warrant. We inspect mail that comes into the country because we do not know what it might contain. But the interests in outgoing mail are not the same and do not warrant invading our privacy. The Postal Service opposes this provision. Customs has every right to inspect mail by

getting a search warrant. There is no need to change current law. The Rangel substitute also addresses the inspection of outbound mail.

I urge my colleagues to support the Rangel substitute and, if it fails, to vote no on H.R. 3129 because it will weaken protections against racial profiling, thus undermining the civil rights of many people and support the Rangel substitute.

Mr. BACHUS. Mr. Chairman, Customs currently can do border searches of everything that enters or leaves the United States—with one exception: outbound mail shipped by the U.S. Postal Service.

The U.S. Customs Service should be able to inspect merchandise that is exiting the United States through the U.S. Postal Service—just like it can inspect all merchandise that enters the United States through the Postal Service. [19 U.S.C. Section 482; 19 U.S.C. Section 1581; 19 U.S.C. Section 1582; 19 C.F.R., Part 145; 19 C.F.R., Part 162]

Existing law enables the U.S. Customs Service to inspect merchandise exiting the United States via any mode of transportation—including truck, ship, car, airplane, private express carrier, or person. [22 U.S.C. Section 401; 22 U.S.C. Section 2778; 31 U.S.C. Section 5317; 50 U.S.C. App. Section 2411]

The Postal Service claims that it is exempt from these laws—making it the only mode of export for which Customs cannot inspect outbound merchandise. In fact, the Postal Authority not only refuses to cooperate with the Customs Service, but they openly resist their efforts to carry out their statutory obligations.

Customs' inspection of outbound and inbound merchandise is Constitutional. Under the Constitution, the Customs Service has outbound and inbound border search authority for all merchandise, including that carrier on or in any airplane, vessel, vehicle, person, package, or envelope departing or entering the United States. Neither the Fourth Amendment nor any statute prohibits Customs from inspecting outbound merchandise. [See, e.g. *California Bankers Assn. v. Schultz*, 416 U.S. 21 (1973). *United States v. Ramsey*, 431 U.S. 606 (1977). *United States v. Cardona*, 769 F.2d 625 (9th Cir. 1985). *United States v. Whiting*, 781 F.2d 692 (9th Cir. 1986). *United States v. Berisha*, 925 F.2d 791 (5th Cir. 1991).]

Furthermore, courts have upheld Customs' general border search authority and, in particular, over inbound mail and outbound shipments. These decisions support Congress acting to affirm Customs' authority. [See *United States v. Ramsey*; *United States v. Berisha*; *United States v. Ezeiruaku*, 936 F.2d 136 (3d Cir. 1991); *United States v. Cardona*; *United States v. Udofot*, 711 F.2d 831 (8th Cir. 1983)]

The general public may not know about the inability of Customs to effectively search outbound merchandise, but others do. Some enterprising sellers of illegal drugs have even boldly stated on their internet site that mail-order customers should use the mails to avoid inspections.

Do not use UPS, Federal Express, or any other overnight express service, as customs may look at it. Regular mail (registered, if you like) is anonymous and safe.

Recent Congressional testimony of Customs pointed to the lack of export examination requirements as to USPS shipments as the "greatest enforcement stumbling blocks," cre-

ating "a money launderer's dream-come-true." [Testimony, U.S. Customs Service, House of Representatives Committee on Government Reform, Criminal Justice, Drug Policy and Human Resources Subcommittee Hearing, May 26, 2000.]

Customs testimony at this hearing pointed out that not just money laundering is involved, that this "loophole literally creates a haven for smugglers of all kinds. A flawed system such as this can facilitate many other illegal exports and in-transit shipments such as child pornography, items or materials to be used in terrorist attacks, weapons, sensitive military or high tech products not licensed for exportation . . ."

The Postal Service's position is clearly anti-law enforcement and allows the U.S. Postal Service to be the outbound smuggling method of choice for drug cartels and other criminal entities. No public policy is served by exempting outbound Postal Service shipments of merchandise from Customs' inspection. I urge the membership to give this legislation the strongest vote of confidence.

Ms. DUNN. Mr. Chairman, I rise in support of H.R. 3129, the Customs Border Security Act. I want to thank Chairman THOMAS and CRANE for working with me to address my concerns for improving staffing and equipment on the Northern Border.

Almost two years ago, Customs personnel were able to apprehend a terrorist at Blaine, Washington. This action helped prevent a terrorist act against our nation. Today, we face greater threats of terrorism and we need to better protect our borders, especially our Northern Border.

For this reason, I am pleased that this bill authorizes more funding to hire approximately 285 additional Customs Service officers to protect the borders and ports along the U.S.-Canadian border. This legislation also increases equipment for the Customs Service to expedite the movement of goods and passengers on our Northern Border.

Over the past few years, Washington State has seen an increase in trade and passenger traffic on the U.S.-Canadian Border. In 1999, trade between Washington State and Canada has grown approximately \$19 billion. Furthermore, we have seen a growth in the cruise industry in Seattle. Unfortunately, we had to deny ships from visiting Seattle because of insufficient Customs officers to inspect them.

The increases in staff and equipment in this bill are positive steps towards a comprehensive and sustained effort to better protect the Northern Border from potential terrorist activities, and improve the flow of goods and traffic between the U.S. and Canada. I ask my colleagues to support this bill.

Ms. KILPATRICK. Mr. Chairman, I rise to announce my opposition to the underlying bill that we consider today. It is a near certainty that the substitute amendment offered by my colleague from California (Ms. WATERS) will not be approved, and without the improvements contained in her amendment, there is little choice for me but to vote against this bill.

Last December, I voted against this bill's passage when it was considered under suspension of rules. I did so because I objected to a provision in that bill that would have provided immunity to customs officers for personal searches at border locations, as long as the officers follow agency guidelines. That was too broad an exemption.

I share the view of many in this chamber that the men and women who make up the U.S. Customs Service are good and hard working people, dedicated to performing their jobs and committed to protecting the safety of this country's borders. Nowhere is the dedication of U.S. Customs Service personnel exemplified more than at Detroit's ports of entry.

Unfortunately, inspection abuses have occurred and civil rights have been violated. The grant of immunity provided in the earlier bill asked that the constitutional rights of Americans be surrendered at the border. I opposed passage of H.R. 3129 last December, and I oppose its passage today for the very same reasons.

I have dedicated my entire life to the advancement of civil rights under civil law. To vote for this bill as it is presently configured would require me to suppress a deep-seated core value that I hold dear. There are times when many in this chamber put aside their personal values in order to advance causes and issues that provide for the greater good. This is not one of those times.

This bill has the potential of short circuiting the civil liberties of Americans and international visitors who step on to U.S. soil from international ports. By doing so, we are compromising on the values that make up part of the American character and surrendering the protections guaranteed to us under the constitution. I cannot in good conscience surrender my convictions to protect the civil liberties of all Americans and those that come to this country. For that reason I oppose the passage of this bill.

Mr. CRANE. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore (Mr. LAHOOD). All time for general debate has expired.

Pursuant to the rule, the committee amendment in the nature of a substitute printed in the bill shall be considered as the original bill for the purpose of amendment under the 5-minute rule and shall be considered read.

The text of the committee amendment in the nature of a substitute is as follows:

H.R. 3129

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### **SECTION 1. SHORT TITLE.**

*This Act may be cited as the "Customs Border Security Act of 2001".*

#### **SEC. 2. TABLE OF CONTENTS.**

*The table of contents for this Act is as follows:*

Sec. 1. Short title.

Sec. 2. Table of contents.

#### **TITLE I—UNITED STATES CUSTOMS SERVICE**

##### **Subtitle A—Drug Enforcement and Other Noncommercial and Commercial Operations**

Sec. 101. Authorization of appropriations for noncommercial operations, commercial operations, and air and marine interdiction.

Sec. 102. Antiterrorist and illicit narcotics detection equipment for the United States-Mexico border, United States-Canada border, and Florida and the Gulf Coast seaports.

Sec. 103. Compliance with performance plan requirements.

##### **Subtitle B—Child Cyber-Smuggling Center of the Customs Service**

Sec. 111. Authorization of appropriations for program to prevent child pornography/child sexual exploitation.

##### **Subtitle C—Personnel Provisions**

##### **CHAPTER 1—OVERTIME AND PREMIUM PAY OF OFFICERS OF THE CUSTOMS SERVICE**

Sec. 121. Correction relating to fiscal year cap.

Sec. 122. Correction relating to overtime pay.

Sec. 123. Correction relating to premium pay.

Sec. 124. Use of savings from payment of premium pay.

Sec. 125. Effective date.

##### **CHAPTER 2—MISCELLANEOUS PROVISIONS**

Sec. 131. Additional Customs Service officers for United States-Canada border.

Sec. 132. Study and report relating to personnel practices of the Customs Service.

Sec. 133. Study and report relating to accounting and auditing procedures of the Customs Service.

Sec. 134. Establishment and implementation of cost accounting system; reports.

Sec. 135. Study and report relating to timeliness of prospective rulings.

Sec. 136. Study and report relating to Customs user fees.

##### **Subtitle D—Antiterrorism Provisions**

Sec. 141. Immunity for United States officials that act in good faith.

Sec. 142. Emergency adjustments to offices, ports of entry, or staffing of the Customs Service.

Sec. 143. Mandatory advanced electronic information for cargo and passengers.

Sec. 144. Border search authority for certain contraband in outbound mail.

Sec. 145. Authorization of appropriations for reestablishment of Customs operations in New York City.

##### **Subtitle E—Textile Transshipment Provisions**

Sec. 151. GAO audit of textile transshipment monitoring by Customs Service.

Sec. 152. Authorization of appropriations for textile transshipment enforcement operations.

Sec. 153. Implementation of the African Growth and Opportunity Act.

#### **TITLE II—OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE**

Sec. 201. Authorization of appropriations.

#### **TITLE III—UNITED STATES INTERNATIONAL TRADE COMMISSION**

Sec. 301. Authorization of appropriations.

#### **TITLE IV—OTHER TRADE PROVISIONS**

Sec. 401. Increase in aggregate value of articles exempt from duty acquired abroad by United States residents.

Sec. 402. Regulatory audit procedures.

#### **TITLE I—UNITED STATES CUSTOMS SERVICE**

##### **Subtitle A—Drug Enforcement and Other Noncommercial and Commercial Operations**

##### **SEC. 101. AUTHORIZATION OF APPROPRIATIONS FOR NONCOMMERCIAL OPERATIONS, COMMERCIAL OPERATIONS, AND AIR AND MARINE INTERDICTION.**

(a) NONCOMMERCIAL OPERATIONS.—Section 301(b)(1) of the Customs Procedural Reform and Simplification Act of 1978 (19 U.S.C. 2075(b)(1)) is amended—

(1) in subparagraph (A) to read as follows:

“(A) \$886,513,000 for fiscal year 2002.”; and

(2) in subparagraph (B) to read as follows:

“(B) \$909,471,000 for fiscal year 2003.”.

(b) COMMERCIAL OPERATIONS.—

(1) IN GENERAL.—Section 301(b)(2)(A) of the Customs Procedural Reform and Simplification Act of 1978 (19 U.S.C. 2075(b)(2)(A)) is amended—

(A) in clause (i) to read as follows:

“(i) \$1,603,482,000 for fiscal year 2002.”; and

(B) in clause (ii) to read as follows:

“(ii) \$1,645,009,000 for fiscal year 2003.”.

(2) AUTOMATED COMMERCIAL ENVIRONMENT COMPUTER SYSTEM.—Of the amount made available for each of fiscal years 2002 and 2003 under section 301(b)(2)(A) of the Customs Procedural Reform and Simplification Act of 1978 (19 U.S.C. 2075(b)(2)(A)), as amended by paragraph (1), \$308,000,000 shall be available until expended for each such fiscal year for the development, establishment, and implementation of the Automated Commercial Environment computer system.

(3) REPORTS.—Not later than 90 days after the date of the enactment of this Act, and not later than each subsequent 90-day period, the Commissioner of Customs shall prepare and submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a report demonstrating that the development and establishment of the Automated Commercial Environment computer system is being carried out in a cost-effective manner and meets the modernization requirements of title VI of the North American Free Trade Agreements Implementation Act.

(c) AIR AND MARINE INTERDICTION.—Section 301(b)(3) of the Customs Procedural Reform and Simplification Act of 1978 (19 U.S.C. 2075(b)(3)) is amended—

(1) in subparagraph (A) to read as follows:

“(A) \$181,860,000 for fiscal year 2002.”; and

(2) in subparagraph (B) to read as follows:

“(B) \$186,570,000 for fiscal year 2003.”.

(d) SUBMISSION OF OUT-YEAR BUDGET PROJECTIONS.—Section 301(a) of the Customs Procedural Reform and Simplification Act of 1978 (19 U.S.C. 2075(a)) is amended by adding at the end the following:

“(3) By not later than the date on which the President submits to Congress the budget of the United States Government for a fiscal year, the Commissioner of Customs shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate the projected amount of funds for the succeeding fiscal year that will be necessary for the operations of the Customs Service as provided for in subsection (b).”.

##### **SEC. 102. ANTITERRORIST AND ILLICIT NARCOTICS DETECTION EQUIPMENT FOR THE UNITED STATES-MEXICO BORDER, UNITED STATES-CANADA BORDER, AND FLORIDA AND THE GULF COAST SEAPORTS.**

(a) FISCAL YEAR 2002.—Of the amounts made available for fiscal year 2002 under section 301(b)(1)(A) of the Customs Procedural Reform and Simplification Act of 1978 (19 U.S.C. 2075(b)(1)(A)), as amended by section 101(a) of this Act, \$90,244,000 shall be available until expended for acquisition and other expenses associated with implementation and deployment of antiterrorist and illicit narcotics detection equipment along the United States-Mexico border, the United States-Canada border, and Florida and the Gulf Coast seaports, as follows:

(1) UNITED STATES-MEXICO BORDER.—For the United States-Mexico border, the following:

(A) \$6,000,000 for 8 Vehicle and Container Inspection Systems (VACIS).

(B) \$11,200,000 for 5 mobile truck x-rays with transmission and backscatter imaging.

(C) \$13,000,000 for the upgrade of 8 fixed-site truck x-rays from the present energy level of 450,000 electron volts to 1,000,000 electron volts (1-MeV).

(D) \$7,200,000 for 8 1-MeV pallet x-rays.

(E) \$1,000,000 for 200 portable contraband detectors (busters) to be distributed among ports where the current allocations are inadequate.

(F) \$600,000 for 50 contraband detection kits to be distributed among all southwest border ports based on traffic volume.

(G) \$500,000 for 25 ultrasonic container inspection units to be distributed among all ports receiving liquid-filled cargo and to ports with a hazardous material inspection facility.

(H) \$2,450,000 for 7 automated targeting systems.



(I) \$360,000 for 30 rapid tire deflator systems to be distributed to those ports where port runners are a threat.

(J) \$480,000 for 20 portable Treasury Enforcement Communications Systems (TECS) terminals to be moved among ports as needed.

(K) \$1,000,000 for 20 remote watch surveillance camera systems at ports where there are suspicious activities at loading docks, vehicle queues, secondary inspection lanes, or areas where visual surveillance or observation is obscured.

(L) \$1,254,000 for 57 weigh-in-motion sensors to be distributed among the ports with the greatest volume of outbound traffic.

(M) \$180,000 for 36 AM traffic information radio stations, with 1 station to be located at each border crossing.

(N) \$1,040,000 for 260 inbound vehicle counters to be installed at every inbound vehicle lane.

(O) \$950,000 for 38 spotter camera systems to counter the surveillance of customs inspection activities by persons outside the boundaries of ports where such surveillance activities are occurring.

(P) \$390,000 for 60 inbound commercial truck transponders to be distributed to all ports of entry.

(Q) \$1,600,000 for 40 narcotics vapor and particle detectors to be distributed to each border crossing.

(R) \$400,000 for license plate reader automatic targeting software to be installed at each port to target inbound vehicles.

(2) UNITED STATES-CANADA BORDER.—For the United States-Canada border, the following:

(A) \$3,000,000 for 4 Vehicle and Container Inspection Systems (VACIS).

(B) \$8,800,000 for 4 mobile truck x-rays with transmission and backscatter imaging.

(C) \$3,600,000 for 4 1-MeV pallet x-rays.

(D) \$250,000 for 50 portable contraband detectors (bustlers) to be distributed among ports where the current allocations are inadequate.

(E) \$300,000 for 25 contraband detection kits to be distributed among ports based on traffic volume.

(F) \$240,000 for 10 portable Treasury Enforcement Communications Systems (TECS) terminals to be moved among ports as needed.

(G) \$400,000 for 10 narcotics vapor and particle detectors to be distributed to each border crossing based on traffic volume.

(3) FLORIDA AND GULF COAST SEAPORTS.—For Florida and the Gulf Coast seaports, the following:

(A) \$4,500,000 for 6 Vehicle and Container Inspection Systems (VACIS).

(B) \$11,800,000 for 5 mobile truck x-rays with transmission and backscatter imaging.

(C) \$7,200,000 for 8 1-MeV pallet x-rays.

(D) \$250,000 for 50 portable contraband detectors (bustlers) to be distributed among ports where the current allocations are inadequate.

(E) \$300,000 for 25 contraband detection kits to be distributed among ports based on traffic volume.

(b) FISCAL YEAR 2003.—Of the amounts made available for fiscal year 2003 under section 301(b)(1)(B) of the Customs Procedural Reform and Simplification Act of 1978 (19 U.S.C. 2075(b)(1)(B)), as amended by section 101(a) of this Act, \$9,000,000 shall be available until expended for the maintenance and support of the equipment and training of personnel to maintain and support the equipment described in subsection (a).

(c) ACQUISITION OF TECHNOLOGICALLY SUPERIOR EQUIPMENT; TRANSFER OF FUNDS.—

(1) IN GENERAL.—The Commissioner of Customs may use amounts made available for fiscal year 2002 under section 301(b)(1)(A) of the Customs Procedural Reform and Simplification Act of 1978 (19 U.S.C. 2075(b)(1)(A)), as amended by section 101(a) of this Act, for the acquisition of equipment other than the equipment described in subsection (a) if such other equipment—

(A)(i) is technologically superior to the equipment described in subsection (a); and

(ii) will achieve at least the same results at a cost that is the same or less than the equipment described in subsection (a); or

(B) can be obtained at a lower cost than the equipment described in subsection (a).

(2) TRANSFER OF FUNDS.—Notwithstanding any other provision of this section, the Commissioner of Customs may reallocate an amount not to exceed 10 percent of—

(A) the amount specified in any of subparagraphs (A) through (R) of subsection (a)(1) for equipment specified in any other of such subparagraphs (A) through (R);

(B) the amount specified in any of subparagraphs (A) through (G) of subsection (a)(2) for equipment specified in any other of such subparagraphs (A) through (G); and

(C) the amount specified in any of subparagraphs (A) through (E) of subsection (a)(3) for equipment specified in any other of such subparagraphs (A) through (E).

#### SEC. 103. COMPLIANCE WITH PERFORMANCE PLAN REQUIREMENTS.

As part of the annual performance plan for each of the fiscal years 2002 and 2003 covering each program activity set forth in the budget of the United States Customs Service, as required under section 1115 of title 31, United States Code, the Commissioner of Customs shall establish performance goals, performance indicators, and comply with all other requirements contained in paragraphs (1) through (6) of subsection (a) of such section with respect to each of the activities to be carried out pursuant to sections 111 and 112 of this Act.

#### Subtitle B—Child Cyber-Smuggling Center of the Customs Service

#### SEC. 111. AUTHORIZATION OF APPROPRIATIONS FOR PROGRAM TO PREVENT CHILD PORNOGRAPHY/CHILD SEXUAL EXPLOITATION.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Customs Service \$10,000,000 for fiscal year 2002 to carry out the program to prevent child pornography/child sexual exploitation established by the Child Cyber-Smuggling Center of the Customs Service.

(b) USE OF AMOUNTS FOR CHILD PORNOGRAPHY CYBER TIPLINE.—Of the amount appropriated under subsection (a), the Customs Service shall provide 3.75 percent of such amount to the National Center for Missing and Exploited Children for the operation of the child pornography cyber tipline of the Center and for increased public awareness of the tipline.

#### Subtitle C—Personnel Provisions

#### CHAPTER 1—OVERTIME AND PREMIUM PAY OF OFFICERS OF THE CUSTOMS SERVICE

#### SEC. 121. CORRECTION RELATING TO FISCAL YEAR CAP.

Section 5(c)(1) of the Act of February 13, 1911 (19 U.S.C. 267(c)(1)) is amended to read as follows:

“(1) FISCAL YEAR CAP.—The aggregate of overtime pay under subsection (a) (including commuting compensation under subsection (a)(2)(B)) that a customs officer may be paid in any fiscal year may not exceed \$30,000, except that—

“(A) the Commissioner of Customs or his or her designee may waive this limitation in individual cases in order to prevent excessive costs or to meet emergency requirements of the Customs Service; and

“(B) upon certification by the Commissioner of Customs to the Chairmen of the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate that the Customs Service has in operation a system that provides accurate and reliable data on a daily basis on overtime and premium pay that is being paid to customs officers, the Commissioner is authorized to pay any customs officer for one work assignment that would result in the overtime pay of that officer exceeding the

\$30,000 limitation imposed by this paragraph, in addition to any overtime pay that may be received pursuant to a waiver under subparagraph (A).”.

#### SEC. 122. CORRECTION RELATING TO OVERTIME PAY.

Section 5(a)(1) of the Act of February 13, 1911 (19 U.S.C. 267(a)(1)), is amended by inserting after the first sentence the following new sentences: “Overtime pay provided under this subsection shall not be paid to any customs officer unless such officer actually performed work during the time corresponding to such overtime pay. The preceding sentence shall not apply with respect to the payment of an award or settlement to a customs officer who was unable to perform overtime work as a result of a personnel action in violation of section 5596 of title 5, United States Code, section 6(d) of the Fair Labor Standards Act of 1938, or title VII of the Civil Rights Act of 1964.”.

#### SEC. 123. CORRECTION RELATING TO PREMIUM PAY.

(a) IN GENERAL.—Section 5(b)(4) of the Act of February 13, 1911 (19 U.S.C. 267(b)(4)), is amended by adding at the end the following new sentences: “Premium pay provided under this subsection shall not be paid to any customs officer unless such officer actually performed work during the time corresponding to such premium pay. The preceding sentence shall not apply with respect to the payment of an award or settlement to a customs officer who was unable to perform work during the time described in the preceding sentence as a result of a personnel action in violation of section 5596 of title 5, United States Code, section 6(d) of the Fair Labor Standards Act of 1938, or title VII of the Civil Rights Act of 1964.”.

(b) CORRECTIONS RELATING TO NIGHT WORK DIFFERENTIAL PAY.—Section 5(b)(1) of such Act (19 U.S.C. 267(b)(1)) is amended to read as follows:

“(1) NIGHT WORK DIFFERENTIAL.—

“(A) 5 P.M. TO MIDNIGHT.—(i) If any hours of regularly scheduled work of a customs officer occur during the hours of 5 p.m. and 12 a.m., the officer is entitled to pay for such hours of work (except for work to which paragraph (2) or (3) applies) at the officer's hourly rate of basic pay plus premium pay amounting to not less than 18 percent of that basic rate.

“(ii) If the regularly scheduled work of a customs officer is 4 p.m. to 12:00 a.m., the officer is entitled to pay for work during such period (except for work to which paragraph (2) or (3) applies) at the officer's hourly rate of basic pay plus premium pay amounting to not less than 18 percent of that basic rate.

“(B) MIDNIGHT TO 6 A.M.—(i) If any hours of regularly scheduled work of a customs officer occur during the hours of 12 a.m. and 6 a.m., the officer is entitled to pay for such hours of work (except for work to which paragraph (2) or (3) applies) at the officer's hourly rate of basic pay plus premium pay amounting to 25 percent of that basic rate.

“(ii) If the regularly scheduled work of a customs officer is 12 a.m. to 8:00 a.m., the officer is entitled to pay for work during such period (except for work to which paragraph (2) or (3) applies) at the officer's hourly rate of basic pay plus premium pay amounting to 25 percent of that basic rate.”.

#### SEC. 124. USE OF SAVINGS FROM PAYMENT OF PREMIUM PAY.

Section 5 of the Act of February 13, 1911 (19 U.S.C. 267), is amended—

(1) by redesignating subsection (e) as subsection (f); and

(2) by inserting after subsection (d) the following:

“(e) USE OF SAVINGS FROM PAYMENT OF PREMIUM PAY.—

“(1) USE OF AMOUNTS.—For fiscal year 2002, the Secretary of the Treasury—

“(A) shall determine under paragraph (2) the amount of savings from the payment of premium pay to customs officers; and



“(B) shall use an amount from the Customs User Fee Account equal to such amount determined under paragraph (2) for additional premium pay described in clauses (i) and (ii) of subsection (b)(1)(A).”

“(2) DETERMINATION OF SAVINGS AMOUNT.—The Secretary shall calculate an amount equal to the difference between—

“(A) the estimated cost for premium pay that would have been incurred during fiscal year 2002 if this section, as in effect on the day before the date of the enactment of section 123 of the Customs Border Security Act of 2001, had governed such costs; and

“(B) the actual cost for premium pay that is incurred during fiscal year 2002 under this section, as amended by section 123 of the Customs Border Security Act of 2001.”

#### SEC. 125. EFFECTIVE DATE.

This chapter, and the amendments made by this chapter, shall apply with respect to pay periods beginning on or after 15 days after the date of the enactment of this Act.

### CHAPTER 2—MISCELLANEOUS PROVISIONS

#### SEC. 131. ADDITIONAL CUSTOMS SERVICE OFFICERS FOR UNITED STATES-CANADA BORDER.

Of the amount made available for fiscal year 2002 under paragraphs (1) and (2)(A) of section 301(b) of the Customs Procedural Reform and Simplification Act of 1978 (19 U.S.C. 2075(b)), as amended by section 101 of this Act, \$25,000,000 shall be available until expended for the Customs Service to hire approximately 285 additional Customs Service officers to address the needs of the offices and ports along the United States-Canada border.

#### SEC. 132. STUDY AND REPORT RELATING TO PERSONNEL PRACTICES OF THE CUSTOMS SERVICE.

(a) STUDY.—The Commissioner of Customs shall conduct a study of current personnel practices of the Customs Service, including an overview of performance standards and the effect and impact of the collective bargaining process on drug interdiction efforts of the Customs Service and a comparison of duty rotation policies of the Customs Service and other Federal agencies that employ similarly-situated personnel.

(b) REPORT.—Not later than 120 days after the date of the enactment of this Act, the Commissioner of Customs shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a report containing the results of the study conducted under subsection (a).

#### SEC. 133. STUDY AND REPORT RELATING TO ACCOUNTING AND AUDITING PROCEDURES OF THE CUSTOMS SERVICE.

(a) STUDY.—(1) The Commissioner of Customs shall conduct a study of actions by the Customs Service to ensure that appropriate training is being provided to Customs Service personnel who are responsible for financial auditing of importers.

(2) In conducting the study, the Commissioner—

(A) shall specifically identify those actions taken to comply with provisions of law that protect the privacy and trade secrets of importers, such as section 552(b) of title 5, United States Code, and section 1905 of title 18, United States Code; and

(B) shall provide for public notice and comment relating to verification of the actions described in subparagraph (A).

(b) REPORT.—Not later than 6 months after the date of the enactment of this Act, the Commissioner of Customs shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a report containing the results of the study conducted under subsection (a).

#### SEC. 134. ESTABLISHMENT AND IMPLEMENTATION OF COST ACCOUNTING SYSTEM; REPORTS.

(a) ESTABLISHMENT AND IMPLEMENTATION.—

(1) IN GENERAL.—Not later than September 30, 2003, the Commissioner of Customs shall, in accordance with the audit of the Customs Service's fiscal years 2000 and 1999 financial statements (as contained in the report of the Office of the Inspector General of the Department of the Treasury issued on February 23, 2001), establish and implement a cost accounting system for expenses incurred in both commercial and non-commercial operations of the Customs Service.

(2) ADDITIONAL REQUIREMENT.—The cost accounting system described in paragraph (1) shall provide for an identification of expenses based on the type of operation, the port at which the operation took place, the amount of time spent on the operation by personnel of the Customs Service, and an identification of expenses based on any other appropriate classification necessary to provide for an accurate and complete accounting of the expenses.

(b) REPORTS.—Beginning on the date of the enactment of this Act and ending on the date on which the cost accounting system described in subsection (a) is fully implemented, the Commissioner of Customs shall prepare and submit to Congress on a quarterly basis a report on the progress of implementing the cost accounting system pursuant to subsection (a).

#### SEC. 135. STUDY AND REPORT RELATING TO TIMELINESS OF PROSPECTIVE RULINGS.

(a) STUDY.—The Comptroller General shall conduct a study on the extent to which the Office of Regulations and Rulings of the Customs Service has made improvements to decrease the amount of time to issue prospective rulings from the date on which a request for the ruling is received by the Customs Service.

(b) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Comptroller General shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a report containing the results of the study conducted under subsection (a).

(c) DEFINITION.—In this section, the term “prospective ruling” means a ruling that is requested by an importer on goods that are proposed to be imported into the United States and that relates to the proper classification, valuation, or marking of such goods.

#### SEC. 136. STUDY AND REPORT RELATING TO CUSTOMS USER FEES.

(a) STUDY.—The Comptroller General shall conduct a study on the extent to which the amount of each customs user fee imposed under section 13031(a) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(a)) is commensurate with the level of services provided by the Customs Service relating to the fee so imposed.

(b) REPORT.—Not later than 120 days after the date of the enactment of this Act, the Comptroller General shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a report in classified form containing—

(1) the results of the study conducted under subsection (a); and

(2) recommendations for the appropriate amount of the customs user fees if such results indicate that the fees are not commensurate with the level of services provided by the Customs Service.

### Subtitle D—Antiterrorism Provisions

#### SEC. 141. IMMUNITY FOR UNITED STATES OFFICIALS THAT ACT IN GOOD FAITH.

(a) IMMUNITY.—Section 3061 of the Revised Statutes of the United States (19 U.S.C. 482) is amended—

(1) by striking “Any of the officers” and inserting “(a) Any of the officers”; and

(2) by adding at the end the following:

“(b) Any officer or employee of the United States conducting a search of a person pursuant to subsection (a) shall not be held liable for any civil damages as a result of such search if the

officer or employee performed the search in good faith.”

(b) REQUIREMENT TO POST POLICY AND PROCEDURES FOR SEARCHES OF PASSENGERS.—Not later than 30 days after the date of the enactment of this Act, the Commissioner of the Customs Service shall ensure that at each Customs border facility appropriate notice is posted that provides a summary of the policy and procedures of the Customs Service for searching passengers, including a statement of the policy relating to the prohibition on the conduct of profiling of passengers based on gender, race, color, religion, or ethnic background.

#### SEC. 142. EMERGENCY ADJUSTMENTS TO OFFICES, PORTS OF ENTRY, OR STAFFING OF THE CUSTOMS SERVICE.

Section 318 of the Tariff Act of 1930 (19 U.S.C. 1318) is amended—

(1) by striking “Whenever the President” and inserting “(a) Whenever the President”; and

(2) by adding at the end the following:

“(b)(1) Notwithstanding any other provision of law, the Secretary of the Treasury, when necessary to respond to a national emergency declared under the National Emergencies Act (50 U.S.C. 1601 et seq.) or to a specific threat to human life or national interests, is authorized to take the following actions on a temporary basis:

“(A) Eliminate, consolidate, or relocate any office or port of entry of the Customs Service.

“(B) Modify hours of service, alter services rendered at any location, or reduce the number of employees at any location.

“(C) Take any other action that may be necessary to directly respond to the national emergency or specific threat.

“(2) Notwithstanding any other provision of law, the Commissioner of Customs, when necessary to respond to a specific threat to human life or national interests, is authorized to close temporarily any Customs office or port of entry or take any other lesser action that may be necessary to respond to the specific threat.

“(3) The Secretary of the Treasury or the Commissioner of Customs, as the case may be, shall notify the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate not later than 72 hours after taking any action under paragraph (1) or (2).”

#### SEC. 143. MANDATORY ADVANCED ELECTRONIC INFORMATION FOR CARGO AND PASSENGERS.

(a) CARGO INFORMATION.—

(1) IN GENERAL.—Section 431(b) of the Tariff Act of 1930 (19 U.S.C. 1431(b)) is amended—

(A) in the first sentence, by striking “Any manifest” and inserting “(1) Any manifest”; and

(B) by adding at the end the following:

“(2) In addition to any other requirement under this section, for each land, air, or vessel carrier required to make entry or obtain clearance under the customs laws of the United States, the pilot, the master, operator, or owner of such carrier (or the authorized agent of such operator or owner) shall provide by electronic transmission cargo manifest information in advance of such entry or clearance in such manner, time, and form as prescribed under regulations by the Secretary. The Secretary may exclude any class of land, air, or vessel carrier for which the Secretary concludes the requirements of this subparagraph are not necessary.”

(2) CONFORMING AMENDMENTS.—Subparagraphs (A) and (C) of section 431(d)(1) of such Act are each amended by inserting before the semicolon “or subsection (b)(2)”. ”

(b) PASSENGER INFORMATION.—Part II of title IV of the Tariff Act of 1930 (19 U.S.C. 1431 et seq.) is amended by inserting after section 431 the following:

#### “SEC. 432. PASSENGER AND CREW MANIFEST INFORMATION REQUIRED FOR LAND, AIR, OR VESSEL CARRIERS.

“(a) IN GENERAL.—For every person arriving or departing on a land, air, or vessel carrier required to make entry or obtain clearance under

the customs laws of the United States, the pilot, the master, operator, or owner of such carrier (or the authorized agent of such operator or owner) shall provide by electronic transmission manifest information described in subsection (b) in advance of such entry or clearance in such manner, time, and form as prescribed under regulations by the Secretary.

“(b) INFORMATION DESCRIBED.—The information described in this subsection shall include for each person described in subsection (a), the person’s—

- “(1) full name;
- “(2) date of birth and citizenship;
- “(3) gender;
- “(4) passport number and country of issuance;
- “(5) United States visa number or resident alien card number, as applicable;
- “(6) passenger name record; and
- “(7) such additional information that the Secretary, by regulation, determines is reasonably necessary to ensure aviation and maritime safety pursuant to the laws enforced or administered by the Customs Service.”.

(c) DEFINITION.—Section 401 of the Tariff Act of 1930 (19 U.S.C. 1401) is amended by adding at the end the following:

“(t) The term ‘land, air, or vessel carrier’ means a land, air, or vessel carrier, as the case may be, that transports goods or passengers for payment or other consideration, including money or services rendered.”.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect beginning 45 days after the date of the enactment of this Act.

#### **SEC. 144. BORDER SEARCH AUTHORITY FOR CERTAIN CONTRABAND IN OUTBOUND MAIL.**

The Tariff Act of 1930 is amended by inserting after section 582 the following:

##### **“SEC. 583. EXAMINATION OF OUTBOUND MAIL.**

“(a) EXAMINATION.—

“(1) IN GENERAL.—For purposes of ensuring compliance with the Customs laws of the United States and other laws enforced by the Customs Service, including the provisions of law described in paragraph (2), a Customs officer may, subject to the provisions of this section, stop and search at the border, without a search warrant, mail of domestic origin transmitted for export by the United States Postal Service and foreign mail transiting the United States that is being imported or exported by the United States Postal Service.

“(2) PROVISIONS OF LAW DESCRIBED.—The provisions of law described in this paragraph are the following:

“(A) Section 5316 of title 31, United States Code (relating to reports on exporting and importing monetary instruments).

“(B) Sections 1461, 1463, 1465, and 1466 and chapter 110 of title 18, United States Code (relating to obscenity and child pornography).

“(C) Section 1003 of the Controlled Substances Import and Export Act (21 U.S.C. 953; relating to exportation of controlled substances).

“(D) The Export Administration Act of 1979 (50 U.S.C. app. 2401 et seq.).

“(E) Section 38 of the Arms Export Control Act (22 U.S.C. 2778).

“(F) The International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.).

“(b) SEARCH OF MAIL NOT SEALED AGAINST INSPECTION AND OTHER MAIL.—Mail not sealed against inspection under the postal laws and regulations of the United States, mail which bears a customs declaration, and mail with respect to which the sender or addressee has consented in writing to search, may be searched by a Customs officer.

“(c) SEARCH OF MAIL SEALED AGAINST INSPECTION.—(1) Mail sealed against inspection under the postal laws and regulations of the United States may be searched by a Customs officer, subject to paragraph (2), upon reasonable cause to suspect that such mail contains one or more of the following:

“(A) Monetary instruments, as defined in section 1956 of title 18, United States Code.

“(B) A weapon of mass destruction, as defined in section 2332a(b) of title 18, United States Code.

“(C) A drug or other substance listed in schedule I, II, III, or IV in section 202 of the Controlled Substances Act (21 U.S.C. 812).

“(D) National defense and related information transmitted in violation of any of sections 793 through 798 of title 18, United States Code.

“(E) Merchandise mailed in violation of section 1715 or 1716 of title 18, United States Code.

“(F) Merchandise mailed in violation of any provision of chapter 71 (relating to obscenity) or chapter 110 (relating to sexual exploitation and other abuse of children) of title 18, United States Code.

“(G) Merchandise mailed in violation of the Export Administration Act of 1979 (50 U.S.C. app. 2401 et seq.).

“(H) Merchandise mailed in violation of section 38 of the Arms Export Control Act (22 U.S.C. 2778).

“(I) Merchandise mailed in violation of the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.).

“(J) Merchandise mailed in violation of the Trading with the Enemy Act (50 U.S.C. app. 1 et seq.).

“(K) Merchandise subject to any other law enforced by the Customs Service.

“(2) No person acting under authority of paragraph (1) shall read, or authorize any other person to read, any correspondence contained in mail sealed against inspection unless prior to so reading—

“(A) a search warrant has been issued pursuant to Rule 41, Federal Rules of Criminal Procedure; or

“(B) the sender or addressee has given written authorization for such reading.”.

#### **SEC. 145. AUTHORIZATION OF APPROPRIATIONS FOR REESTABLISHMENT OF CUSTOMS OPERATIONS IN NEW YORK CITY.**

(a) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated for the reestablishment of operations of the Customs Service in New York, New York, such sums as may be necessary for fiscal year 2002.

(2) OPERATIONS DESCRIBED.—The operations referred to in paragraph (1) include, but are not limited to, the following:

(A) Operations relating to the Port Director of New York City, the New York Customs Management Center (including the Director of Field Operations), and the Special Agent-In-Charge for New York.

(B) Commercial operations, including textile enforcement operations and salaries and expenses of—

(i) trade specialists who determine the origin and value of merchandise;

(ii) analysts who monitor the entry data into the United States of textiles and textile products; and

(iii) Customs officials who work with foreign governments to examine textile makers and verify entry information.

(b) AVAILABILITY.—Amounts appropriated pursuant to the authorization of appropriations under subsection (a) are authorized to remain available until expended.

#### **Subtitle E—Textile Transshipment Provisions**

#### **SEC. 151. GAO AUDIT OF TEXTILE TRANSSHIPMENT MONITORING BY CUSTOMS SERVICE.**

(a) GAO AUDIT.—The Comptroller General of the United States shall conduct an audit of the system established and carried out by the Customs Service to monitor textile transshipment.

(b) REPORT.—Not later than 9 months after the date of enactment of this Act, the Comptroller General shall submit to the Committee on Ways and Means of the House of Representa-

tives and Committee on Finance of the Senate a report that contains the results of the study conducted under subsection (a), including recommendations for improvements to the transshipment monitoring system if applicable.

(c) TRANSSHIPMENT DESCRIBED.—Transshipment within the meaning of this section has occurred when preferential treatment under any provision of law has been claimed for a textile or apparel article on the basis of material false information concerning the country of origin, manufacture, processing, or assembly of the article or any of its components. For purposes of the preceding sentence, false information is material if disclosure of the true information would mean or would have meant that the article is or was ineligible for preferential treatment under the provision of law in question.

#### **SEC. 152. AUTHORIZATION OF APPROPRIATIONS FOR TEXTILE TRANSSHIPMENT ENFORCEMENT OPERATIONS.**

(a) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated for textile transshipment enforcement operations of the Customs Service \$9,500,000 for fiscal year 2002.

(2) AVAILABILITY.—Amounts appropriated pursuant to the authorization of appropriations under paragraph (1) are authorized to remain available until expended.

(b) USE OF FUNDS.—Of the amount appropriated pursuant to the authorization of appropriations under subsection (a), the following amounts are authorized to be made available for the following purposes:

(1) IMPORT SPECIALISTS.—\$1,463,000 for 21 Customs import specialists to be assigned to selected ports for documentation review to support detentions and exclusions and 1 additional Customs import specialist assigned to the Customs headquarters textile program to administer the program and provide oversight.

(2) INSPECTORS.—\$652,080 for 10 Customs inspectors to be assigned to selected ports to examine targeted high-risk shipments.

(3) INVESTIGATORS.—(A) \$1,165,380 for 10 investigators to be assigned to selected ports to investigate instances of smuggling, quota and trade agreement circumvention, and use of counterfeit visas to enter inadmissible goods.

(B) \$149,603 for 1 investigator to be assigned to Customs headquarters textile program to coordinate and ensure implementation of textile production verification team results from an investigation perspective.

(4) INTERNATIONAL TRADE SPECIALISTS.—\$226,500 for 3 international trade specialists to be assigned to Customs headquarters to be dedicated to illegal textile transshipment policy issues and other free trade agreement enforcement issues.

(5) PERMANENT IMPORT SPECIALISTS FOR HONG KONG.—\$500,000 for 2 permanent import specialist positions and \$500,000 for 2 investigators to be assigned to Hong Kong to work with Hong Kong and other government authorities in Southeast Asia to assist such authorities pursue proactive enforcement of bilateral trade agreements.

(6) VARIOUS PERMANENT TRADE POSITIONS.—\$3,500,000 for the following:

(A) 2 permanent positions to be assigned to the Customs attaché office in Central America to address trade enforcement issues for that region.

(B) 2 permanent positions to be assigned to the Customs attaché office in South Africa to address trade enforcement issues pursuant to the African Growth and Opportunity Act (title I of Public Law 106-200).

(C) 4 permanent positions to be assigned to the Customs attaché office in Mexico to address the threat of illegal textile transshipment through Mexico and other related issues under the North American Free Trade Agreement Act.

(D) 2 permanent positions to be assigned to the Customs attaché office in Seoul, South Korea, to address the trade issues in the geographic region.

(E) 2 permanent positions to be assigned to the proposed Customs attaché office in New Delhi, India, to address the threat of illegal textile transshipment and other trade enforcement issues.

(F) 2 permanent positions to be assigned to the Customs attaché office in Rome, Italy, to address trade enforcement issues in the geographic region, including issues under free trade agreements with Jordan and Israel.

(7) ATTORNEYS.—\$179,886 for 2 attorneys for the Office of the Chief Counsel of the Customs Service to pursue cases regarding illegal textile transshipment.

(8) AUDITORS.—\$510,000 for 6 Customs auditors to perform internal control reviews and document and record reviews of suspect importers.

(9) ADDITIONAL TRAVEL FUNDS.—\$250,000 for deployment of additional textile production verification teams to sub-Saharan Africa.

(10) TRAINING.—(A) \$75,000 for training of Customs personnel.

(B) \$200,000 for training for foreign counterparts in risk management analytical techniques and for teaching factory inspection techniques, model law Development, and enforcement techniques.

(11) OUTREACH.—\$60,000 for outreach efforts to United States importers.

#### SEC. 153. IMPLEMENTATION OF THE AFRICAN GROWTH AND OPPORTUNITY ACT

Of the amount made available for fiscal year 2002 under section 301(b)(2)(A) of the Customs Procedural Reform and Simplification Act of 1978 (19 U.S.C. 2075(b)(2)(A)), as amended by section 101(b)(1) of this Act, \$1,317,000 shall be available until expended for the Customs Service to provide technical assistance to help sub-Saharan Africa countries develop and implement effective visa and anti-transshipment systems as required by the African Growth and Opportunity Act (title I of Public Law 106–200), as follows:

(1) TRAVEL FUNDS.—\$600,000 for import specialists, special agents, and other qualified Customs personnel to travel to sub-Saharan Africa countries to provide technical assistance in developing and implementing effective visa and anti-transshipment systems.

(2) IMPORT SPECIALISTS.—\$266,000 for 4 import specialists to be assigned to Customs headquarters to be dedicated to providing technical assistance to sub-Saharan African countries for developing and implementing effective visa and anti-transshipment systems.

(3) DATA RECONCILIATION ANALYSTS.—\$151,000 for 2 data reconciliation analysts to review apparel shipments.

(4) SPECIAL AGENTS.—\$300,000 for 2 special agents to be assigned to Customs headquarters to be available to provide technical assistance to Sub-Saharan African countries in the performance of investigations and other enforcement initiatives.

#### TITLE II—OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

##### SEC. 201. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—Section 141(g)(1) of the Trade Act of 1974 (19 U.S.C. 2171(g)(1)) is amended—

(1) in subparagraph (A)—  
(A) in the matter preceding clause (i), by striking “not to exceed”;

(B) in clause (i) to read as follows:  
“(i) \$30,000,000 for fiscal year 2002.”; and  
(C) in clause (ii) to read as follows:  
“(ii) \$31,000,000 for fiscal year 2003.”; and

(2) in subparagraph (B)—  
(A) in clause (i), by adding “and” at the end;  
(B) by striking clause (ii); and  
(C) by redesignating clause (iii) as clause (ii).

(b) SUBMISSION OF OUT-YEAR BUDGET PROJECTIONS.—Section 141(g) of the Trade Act of 1974 (19 U.S.C. 2171(g)) is amended by adding at the end the following:

“(3) By not later than the date on which the President submits to Congress the budget of the

United States Government for a fiscal year, the United States Trade Representative shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate the projected amount of funds for the succeeding fiscal year that will be necessary for the Office to carry out its functions.”.

(c) ADDITIONAL STAFF FOR OFFICE OF ASSISTANT U.S. TRADE REPRESENTATIVE FOR CONGRESSIONAL AFFAIRS.—

(1) IN GENERAL.—There is authorized to be appropriated such sums as may be necessary for fiscal year 2002 for the salaries and expenses of two additional legislative specialist employee positions within the Office of the Assistant United States Trade Representative for Congressional Affairs.

(2) AVAILABILITY.—Amounts appropriated pursuant to the authorization of appropriations under paragraph (1) are authorized to remain available until expended.

#### TITLE III—UNITED STATES INTERNATIONAL TRADE COMMISSION

##### SEC. 301. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—Section 330(e)(2)(A) of the Tariff Act of 1930 (19 U.S.C. 1330(e)(2)) is amended—

(1) in clause (i) to read as follows:  
“(i) \$51,400,000 for fiscal year 2002.”; and  
(2) in clause (ii) to read as follows:  
“(ii) \$53,400,000 for fiscal year 2003.”.

(b) SUBMISSION OF OUT-YEAR BUDGET PROJECTIONS.—Section 330(e) of the Tariff Act of 1930 (19 U.S.C. 1330(e)(2)) is amended by adding at the end the following:

“(4) By not later than the date on which the President submits to Congress the budget of the United States Government for a fiscal year, the Commission shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate the projected amount of funds for the succeeding fiscal year that will be necessary for the Commission to carry out its functions.”.

#### TITLE IV—OTHER TRADE PROVISIONS

##### SEC. 401. INCREASE IN AGGREGATE VALUE OF ARTICLES EXEMPT FROM DUTY ACQUIRED ABROAD BY UNITED STATES RESIDENTS.

(a) IN GENERAL.—Subheading 9804.00.65 of the Harmonized Tariff Schedule of the United States is amended in the article description column by striking “\$400” and inserting “\$800”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect 90 days after the date of the enactment of this Act.

##### SEC. 402. REGULATORY AUDIT PROCEDURES.

Section 509(b) of the Tariff Act of 1930 (19 U.S.C. 1509(b)) is amended by adding at the end the following:

“(6)(A) If during the course of any audit concluded under this subsection, the Customs Service identifies overpayments of duties or fees or over-declarations of quantities or values that are within the time period and scope of the audit that the Customs Service has defined, then in calculating the loss of revenue or monetary penalties under section 592, the Customs Service shall treat the overpayments or over-declarations on finally liquidated entries as an offset to any underpayments or underdeclarations also identified on finally liquidated entries if such overpayments or over-declarations were not made by the person being audited for the purpose of violating any provision of law.

“(B) Nothing in this paragraph shall be construed to authorize a refund not otherwise authorized under section 520.”.

The CHAIRMAN pro tempore. No amendment to that amendment is in order except those printed in House Report 107–482. Each amendment may be offered only in the order printed in the report by a Member designated in the report, shall be considered read, shall

be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

It is now in order to consider amendment No. 1 printed in House Report 107–482.

Will the gentleman from Illinois (Mr. CRANE) continue to be the designee of the gentleman from California (Mr. THOMAS)?

Mr. CRANE. Yes, Mr. Chairman.

AMENDMENT IN THE NATURE OF A SUBSTITUTE  
OFFERED BY MR. CRANE

Mr. CRANE. Mr. Chairman, I offer an amendment in the nature of a substitute.

The CHAIRMAN pro tempore. The Clerk will designate the amendment in the nature of a substitute.

The text of the amendment in the nature of a substitute is as follows:

Amendment in the nature of a substitute offered by Mr. CRANE:

Strike all after the enacting clause and insert the following:

#### SECTION 1. SHORT TITLE.

This Act may be cited as the “Customs Border Security Act of 2002”.

#### SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Short title.

Sec. 2. Table of contents.

#### TITLE I—UNITED STATES CUSTOMS SERVICE

Subtitle A—Drug Enforcement and Other Noncommercial and Commercial Operations

Sec. 101. Authorization of appropriations for noncommercial operations, commercial operations, and air and marine interdiction.

Sec. 102. Antiterrorist and illicit narcotics detection equipment for the United States-Mexico border, United States-Canada border, and Florida and the Gulf Coast seaports.

Sec. 103. Compliance with performance plan requirements.

Subtitle B—Child Cyber-Smuggling Center of the Customs Service

Sec. 111. Authorization of appropriations for program to prevent child pornography/child sexual exploitation.

#### Subtitle C—Miscellaneous Provisions

Sec. 121. Additional Customs Service officers for United States-Canada border.

Sec. 122. Study and report relating to personnel practices of the Customs Service.

Sec. 123. Study and report relating to accounting and auditing procedures of the Customs Service.

Sec. 124. Establishment and implementation of cost accounting system; reports.

Sec. 125. Study and report relating to timeliness of prospective rulings.

Sec. 126. Study and report relating to Customs user fees.

Sec. 127. Fees for Customs inspections at express courier facilities.

Sec. 128. National Customs Automation Program.

#### Subtitle D—Antiterrorism Provisions

Sec. 141. Immunity for United States officials that act in good faith.

- Sec. 142. Emergency adjustments to offices, ports of entry, or staffing of the Customs Service.
- Sec. 143. Mandatory advanced electronic information for cargo and passengers.
- Sec. 144. Border search authority for certain contraband in outbound mail.
- Sec. 145. Authorization of appropriations for reestablishment of Customs operations in New York City.
- Subtitle E—Textile Transshipment Provisions
- Sec. 151. GAO audit of textile transshipment monitoring by Customs Service.
- Sec. 152. Authorization of appropriations for textile transshipment enforcement operations.
- Sec. 153. Implementation of the African Growth and Opportunity Act.

## TITLE II—OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

- Sec. 201. Authorization of appropriations.

## TITLE III—UNITED STATES INTERNATIONAL TRADE COMMISSION

- Sec. 301. Authorization of appropriations.

## TITLE IV—OTHER TRADE PROVISIONS

- Sec. 401. Increase in aggregate value of articles exempt from duty acquired abroad by United States residents.
- Sec. 402. Regulatory audit procedures.

## TITLE I—UNITED STATES CUSTOMS SERVICE

### Subtitle A—Drug Enforcement and Other Noncommercial and Commercial Operations

- SEC. 101. AUTHORIZATION OF APPROPRIATIONS FOR NONCOMMERCIAL OPERATIONS, COMMERCIAL OPERATIONS, AND AIR AND MARINE INTERDICTION.

(a) NONCOMMERCIAL OPERATIONS.—Section 301(b)(1) of the Customs Procedural Reform and Simplification Act of 1978 (19 U.S.C. 2075(b)(1)) is amended—

- (1) in subparagraph (A) to read as follows: “(A) \$899,121,000 for fiscal year 2002.”;
- (2) in subparagraph (B) to read as follows: “(B) \$1,365,456,000 for fiscal year 2003.”; and
- (3) by adding at the end the following: “(C) \$1,399,592,400 for fiscal year 2004.”.

(b) COMMERCIAL OPERATIONS.—

(1) IN GENERAL.—Section 301(b)(2)(A) of the Customs Procedural Reform and Simplification Act of 1978 (19 U.S.C. 2075(b)(2)(A)) is amended—

- (A) in clause (i) to read as follows: “(i) \$1,606,068,000 for fiscal year 2002.”;
- (B) in clause (ii) to read as follows: “(ii) \$1,642,602,000 for fiscal year 2003.”; and
- (C) by adding at the end the following: “(iii) \$1,683,667,050 for fiscal year 2004.”.

(2) AUTOMATED COMMERCIAL ENVIRONMENT COMPUTER SYSTEM.—Of the amount made available for each of fiscal years 2002 through 2004 under section 301(b)(2)(A) of the Customs Procedural Reform and Simplification Act of 1978 (19 U.S.C. 2075(b)(2)(A)), as amended by paragraph (1), \$308,000,000 shall be available until expended for each such fiscal year for the development, establishment, and implementation of the Automated Commercial Environment computer system.

(3) REPORTS.—Not later than 90 days after the date of the enactment of this Act, and not later than each subsequent 90-day period, the Commissioner of Customs shall prepare and submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a report demonstrating that the development and establishment of the Automated Commercial Environment computer system is being carried out in a cost-effective manner

and meets the modernization requirements of title VI of the North American Free Trade Agreement Implementation Act.

(c) AIR AND MARINE INTERDICTION.—Section 301(b)(3) of the Customs Procedural Reform and Simplification Act of 1978 (19 U.S.C. 2075(b)(3)) is amended—

- (1) in subparagraph (A) to read as follows: “(A) \$177,860,000 for fiscal year 2002.”;
- (2) in subparagraph (B) to read as follows: “(B) \$170,829,000 for fiscal year 2003.”; and
- (3) by adding at the end the following: “(C) \$175,099,725 for fiscal year 2004.”.

(d) SUBMISSION OF OUT-YEAR BUDGET PROJECTIONS.—Section 301(a) of the Customs Procedural Reform and Simplification Act of 1978 (19 U.S.C. 2075(a)) is amended by adding at the end the following:

“(3) By not later than the date on which the President submits to Congress the budget of the United States Government for a fiscal year, the Commissioner of Customs shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate the projected amount of funds for the succeeding fiscal year that will be necessary for the operations of the Customs Service as provided for in subsection (b).”.

## SEC. 102. ANTITERRORIST AND ILLICIT NARCOTICS DETECTION EQUIPMENT FOR THE UNITED STATES-MEXICO BORDER, UNITED STATES-CANADA BORDER, AND FLORIDA AND THE GULF COAST SEAPORTS.

(a) FISCAL YEAR 2002.—Of the amounts made available for fiscal year 2002 under section 301(b)(1)(A) of the Customs Procedural Reform and Simplification Act of 1978 (19 U.S.C. 2075(b)(1)(A)), as amended by section 101(a) of this Act, \$90,244,000 shall be available until expended for acquisition and other expenses associated with implementation and deployment of antiterrorist and illicit narcotics detection equipment along the United States-Mexico border, the United States-Canada border, and Florida and the Gulf Coast seaports, as follows:

(1) UNITED STATES-MEXICO BORDER.—For the United States-Mexico border, the following:

- (A) \$6,000,000 for 8 Vehicle and Container Inspection Systems (VACIS).
- (B) \$11,200,000 for 5 mobile truck x-rays with transmission and backscatter imaging.
- (C) \$13,000,000 for the upgrade of 8 fixed-site truck x-rays from the present energy level of 450,000 electron volts to 1,000,000 electron volts (1-MeV).
- (D) \$7,200,000 for 8 1-MeV pallet x-rays.
- (E) \$1,000,000 for 200 portable contraband detectors (busters) to be distributed among ports where the current allocations are inadequate.
- (F) \$600,000 for 50 contraband detection kits to be distributed among all southwest border ports based on traffic volume.
- (G) \$500,000 for 25 ultrasonic container inspection units to be distributed among all ports receiving liquid-filled cargo and to ports with a hazardous material inspection facility.
- (H) \$2,450,000 for 7 automated targeting systems.
- (I) \$360,000 for 30 rapid tire deflator systems to be distributed to those ports where port runners are a threat.
- (J) \$480,000 for 20 portable Treasury Enforcement Communications Systems (TECS) terminals to be moved among ports as needed.
- (K) \$1,000,000 for 20 remote watch surveillance camera systems at ports where there are suspicious activities at loading docks, vehicle queues, secondary inspection lanes, or areas where visual surveillance or observation is obscured.
- (L) \$1,254,000 for 57 weigh-in-motion sensors to be distributed among the ports with the greatest volume of outbound traffic.

(M) \$180,000 for 36 AM traffic information radio stations, with 1 station to be located at each border crossing.

(N) \$1,040,000 for 260 inbound vehicle counters to be installed at every inbound vehicle lane.

(O) \$950,000 for 38 spotter camera systems to counter the surveillance of customs inspection activities by persons outside the boundaries of ports where such surveillance activities are occurring.

(P) \$390,000 for 60 inbound commercial truck transponders to be distributed to all ports of entry.

(Q) \$1,600,000 for 40 narcotics vapor and particle detectors to be distributed to each border crossing.

(R) \$400,000 for license plate reader automatic targeting software to be installed at each port to target inbound vehicles.

(2) UNITED STATES-CANADA BORDER.—For the United States-Canada border, the following:

(A) \$3,000,000 for 4 Vehicle and Container Inspection Systems (VACIS).

(B) \$8,800,000 for 4 mobile truck x-rays with transmission and backscatter imaging.

(C) \$3,600,000 for 4 1-MeV pallet x-rays.

(D) \$250,000 for 50 portable contraband detectors (busters) to be distributed among ports where the current allocations are inadequate.

(E) \$300,000 for 25 contraband detection kits to be distributed among ports based on traffic volume.

(F) \$240,000 for 10 portable Treasury Enforcement Communications Systems (TECS) terminals to be moved among ports as needed.

(G) \$400,000 for 10 narcotics vapor and particle detectors to be distributed to each border crossing based on traffic volume.

(3) FLORIDA AND GULF COAST SEAPORTS.—For Florida and the Gulf Coast seaports, the following:

(A) \$4,500,000 for 6 Vehicle and Container Inspection Systems (VACIS).

(B) \$11,800,000 for 5 mobile truck x-rays with transmission and backscatter imaging.

(C) \$7,200,000 for 8 1-MeV pallet x-rays.

(D) \$250,000 for 50 portable contraband detectors (busters) to be distributed among ports where the current allocations are inadequate.

(E) \$300,000 for 25 contraband detection kits to be distributed among ports based on traffic volume.

(b) FISCAL YEAR 2003.—Of the amounts made available for fiscal year 2003 under section 301(b)(1)(B) of the Customs Procedural Reform and Simplification Act of 1978 (19 U.S.C. 2075(b)(1)(B)), as amended by section 101(a) of this Act, \$9,000,000 shall be available until expended for the maintenance and support of the equipment and training of personnel to maintain and support the equipment described in subsection (a).

(c) ACQUISITION OF TECHNOLOGICALLY SUPERIOR EQUIPMENT; TRANSFER OF FUNDS.—

(1) IN GENERAL.—The Commissioner of Customs may use amounts made available for fiscal year 2002 under section 301(b)(1)(A) of the Customs Procedural Reform and Simplification Act of 1978 (19 U.S.C. 2075(b)(1)(A)), as amended by section 101(a) of this Act, for the acquisition of equipment other than the equipment described in subsection (a) if such other equipment—

(A)(i) is technologically superior to the equipment described in subsection (a); and

(ii) will achieve at least the same results at a cost that is the same or less than the equipment described in subsection (a); or

(B) can be obtained at a lower cost than the equipment described in subsection (a).

(2) TRANSFER OF FUNDS.—Notwithstanding any other provision of this section, the Commissioner of Customs may reallocate an amount not to exceed 10 percent of—

(A) the amount specified in any of subparagraphs (A) through (R) of subsection (a)(1) for equipment specified in any other of such subparagraphs (A) through (R);

(B) the amount specified in any of subparagraphs (A) through (G) of subsection (a)(2) for equipment specified in any other of such subparagraphs (A) through (G); and

(C) the amount specified in any of subparagraphs (A) through (E) of subsection (a)(3) for equipment specified in any other of such subparagraphs (A) through (E).

#### **SEC. 103. COMPLIANCE WITH PERFORMANCE PLAN REQUIREMENTS.**

As part of the annual performance plan for each of the fiscal years 2002 and 2003 covering each program activity set forth in the budget of the United States Customs Service, as required under section 1115 of title 31, United States Code, the Commissioner of Customs shall establish performance goals, performance indicators, and comply with all other requirements contained in paragraphs (1) through (6) of subsection (a) of such section with respect to each of the activities to be carried out pursuant to section 102.

#### **Subtitle B—Child Cyber-Smuggling Center of the Customs Service**

#### **SEC. 111. AUTHORIZATION OF APPROPRIATIONS FOR PROGRAM TO PREVENT CHILD PORNOGRAPHY/CHILD SEXUAL EXPLOITATION.**

(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Customs Service \$10,000,000 for fiscal year 2002 to carry out the program to prevent child pornography/child sexual exploitation established by the Child Cyber-Smuggling Center of the Customs Service.

(b) USE OF AMOUNTS FOR CHILD PORNOGRAPHY CYBER TIPLINE.—Of the amount appropriated under subsection (a), the Customs Service shall provide 3.75 percent of such amount to the National Center for Missing and Exploited Children for the operation of the child pornography cyber tipline of the Center and for increased public awareness of the tipline.

#### **Subtitle C—Miscellaneous Provisions**

#### **SEC. 121. ADDITIONAL CUSTOMS SERVICE OFFICERS FOR UNITED STATES-CANADA BORDER.**

Of the amount made available for fiscal year 2002 under paragraphs (1) and (2)(A) of section 301(b) of the Customs Procedural Reform and Simplification Act of 1978 (19 U.S.C. 2075(b)), as amended by section 101 of this Act, \$28,300,000 shall be available until expended for the Customs Service to hire approximately 285 additional Customs Service officers to address the needs of the offices and ports along the United States-Canada border.

#### **SEC. 122. STUDY AND REPORT RELATING TO PERSONNEL PRACTICES OF THE CUSTOMS SERVICE.**

(a) STUDY.—The Commissioner of Customs shall conduct a study of current personnel practices of the Customs Service, including an overview of performance standards and the effect and impact of the collective bargaining process on drug interdiction efforts of the Customs Service and a comparison of duty rotation policies of the Customs Service and other Federal agencies that employ similarly-situated personnel.

(b) REPORT.—Not later than 120 days after the date of the enactment of this Act, the Commissioner of Customs shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a report containing the results of the study conducted under subsection (a).

#### **SEC. 123. STUDY AND REPORT RELATING TO ACCOUNTING AND AUDITING PROCEDURES OF THE CUSTOMS SERVICE.**

(a) STUDY.—(1) The Commissioner of Customs shall conduct a study of actions by the Customs Service to ensure that appropriate training is being provided to Customs Service personnel who are responsible for financial auditing of importers.

(2) In conducting the study, the Commissioner—

(A) shall specifically identify those actions taken to comply with provisions of law that protect the privacy and trade secrets of importers, such as section 552(b) of title 5, United States Code, and section 1905 of title 18, United States Code; and

(B) shall provide for public notice and comment relating to verification of the actions described in subparagraph (A).

(b) REPORT.—Not later than 6 months after the date of the enactment of this Act, the Commissioner of Customs shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a report containing the results of the study conducted under subsection (a).

#### **SEC. 124. ESTABLISHMENT AND IMPLEMENTATION OF COST ACCOUNTING SYSTEM; REPORTS.**

(a) ESTABLISHMENT AND IMPLEMENTATION.—

(1) IN GENERAL.—Not later than September 30, 2003, the Commissioner of Customs shall, in accordance with the audit of the Customs Service's fiscal years 2000 and 1999 financial statements (as contained in the report of the Office of the Inspector General of the Department of the Treasury issued on February 23, 2001), establish and implement a cost accounting system for expenses incurred in both commercial and noncommercial operations of the Customs Service.

(2) ADDITIONAL REQUIREMENT.—The cost accounting system described in paragraph (1) shall provide for an identification of expenses based on the type of operation, the port at which the operation took place, the amount of time spent on the operation by personnel of the Customs Service, and an identification of expenses based on any other appropriate classification necessary to provide for an accurate and complete accounting of the expenses.

(b) REPORTS.—Beginning on the date of the enactment of this Act and ending on the date on which the cost accounting system described in subsection (a) is fully implemented, the Commissioner of Customs shall prepare and submit to Congress on a quarterly basis a report on the progress of implementing the cost accounting system pursuant to subsection (a).

#### **SEC. 125. STUDY AND REPORT RELATING TO TIMELINESS OF PROSPECTIVE RULINGS.**

(a) STUDY.—The Comptroller General shall conduct a study on the extent to which the Office of Regulations and Rulings of the Customs Service has made improvements to decrease the amount of time to issue prospective rulings from the date on which a request for the ruling is received by the Customs Service.

(b) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Comptroller General shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a report containing the results of the study conducted under subsection (a).

(c) DEFINITION.—In this section, the term “prospective ruling” means a ruling that is requested by an importer on goods that are proposed to be imported into the United States and that relates to the proper classification, valuation, or marking of such goods.

#### **SEC. 126. STUDY AND REPORT RELATING TO CUSTOMS USER FEES.**

(a) STUDY.—The Comptroller General shall conduct a study on the extent to which the amount of each customs user fee imposed under section 13031(a) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(a)) is commensurate with the level of services provided by the Customs Service relating to the fee so imposed.

(b) REPORT.—Not later than 120 days after the date of the enactment of this Act, the Comptroller General shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a report in classified form containing—

(1) the results of the study conducted under subsection (a); and

(2) recommendations for the appropriate amount of the customs user fees if such results indicate that the fees are not commensurate with the level of services provided by the Customs Service.

#### **SEC. 127. FEES FOR CUSTOMS INSPECTIONS AT EXPRESS COURIER FACILITIES.**

(a) IN GENERAL.—Section 13031(b)(9) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(b)(9)) is amended as follows:

(1) In subparagraph (A)—

(A) in the matter preceding clause (i), by striking “the processing of merchandise that is informally entered or released” and inserting “the processing of letters, documents, records, shipments, merchandise, or any other item that is valued at an amount under \$2,000 (or such higher amount as the Secretary may set by regulation pursuant to section 498 of the Tariff Act of 1930), whether or not such items are informally entered or released (except items entered or released for immediate exportation).”; and

(B) in clause (ii) to read as follows:

“(ii) In the case of an express consignment carrier facility or centralized hub facility, \$.66 per individual airway bill or bill of lading.”

(2) By redesignating subparagraph (B) as subparagraph (C) and inserting after subparagraph (A) the following:

“(B)(i) For fiscal year 2004 and subsequent fiscal years, the Secretary of the Treasury may adjust (not more than once per fiscal year) the amount described in subparagraph (A)(ii) to not less than \$.35 but not more than \$1.00 per individual airway bill or bill of lading. The Secretary shall provide notice in the Federal Register of a proposed adjustment under the preceding sentence and the reasons therefor and shall allow for public comment on the proposed adjustment.

“(ii) The payment required by subparagraph (A)(ii) shall be the only payment required for reimbursement of the Customs Service in connection with the processing of an individual airway bill or bill of lading in accordance with such subparagraph, except that the Customs Service may charge a fee to cover expenses of the Customs Service for adequate office space, equipment, furnishings, supplies, and security.

“(iii)(I) The payment required by subparagraph (A)(ii) and clause (ii) shall be paid on a quarterly basis to the Customs Service in accordance with regulations prescribed by the Secretary of the Treasury.

“(II) 50 percent of the amount of payments received under subparagraph (A)(ii) and clause (ii) shall, in accordance with section 524 of the Tariff Act of 1930, be deposited as a refund to the appropriation for the amount paid out of that appropriation for the costs incurred in providing services to express consignment carrier facilities or centralized hub facilities. Amounts deposited in accordance

with the preceding sentence shall be available until expended for the provision of customs services to express consignment carrier facilities or centralized hub facilities.

“(III) Notwithstanding section 524 of the Tariff Act of 1930, the remaining 50 percent of the amount of payments received under subparagraph (A)(ii) and clause (ii) shall be paid to the Secretary of the Treasury, which is in lieu of the payment of fees under subsection (a)(10) of this section.”

(b) EFFECTIVE DATE.—The amendments made by subsection (a) take effect on October 1, 2002.

#### SEC. 128. NATIONAL CUSTOMS AUTOMATION PROGRAM.

Section 411(b) of the Tariff Act of 1930 (19 U.S.C. 1411(b)) is amended by striking the second sentence and inserting the following: “The Secretary may, by regulation, require the electronic submission of information described in subsection (a) or any other information required to be submitted to the Customs Service separately pursuant to this subpart.”

#### Subtitle D—Antiterrorism Provisions

#### SEC. 141. IMMUNITY FOR UNITED STATES OFFICIALS THAT ACT IN GOOD FAITH.

(a) IMMUNITY.—Section 3061 of the Revised Statutes (19 U.S.C. 482) is amended—

(1) by striking “Any of the officers” and inserting “(a) Any of the officers”; and

(2) by adding at the end the following:

“(b) Any officer or employee of the United States conducting a search of a person pursuant to subsection (a) shall not be held liable for any civil damages as a result of such search if the officer or employee performed the search in good faith.”

(b) REQUIREMENT TO POST POLICY AND PROCEDURES FOR SEARCHES OF PASSENGERS.—Not later than 30 days after the date of the enactment of this Act, the Commissioner of the Customs Service shall ensure that at each Customs border facility appropriate notice is posted that provides a summary of the policy and procedures of the Customs Service for searching passengers, including a statement of the policy relating to the prohibition on the conduct of profiling of passengers based on gender, race, color, religion, or ethnic background.

#### SEC. 142. EMERGENCY ADJUSTMENTS TO OFFICES, PORTS OF ENTRY, OR STAFFING OF THE CUSTOMS SERVICE.

Section 318 of the Tariff Act of 1930 (19 U.S.C. 1318) is amended—

(1) by striking “Whenever the President” and inserting “(a) Whenever the President”; and

(2) by adding at the end the following:

“(b)(1) Notwithstanding any other provision of law, the Secretary of the Treasury, when necessary to respond to a national emergency declared under the National Emergencies Act (50 U.S.C. 1601 et seq.) or to a specific threat to human life or national interests, is authorized to take the following actions on a temporary basis:

“(A) Eliminate, consolidate, or relocate any office or port of entry of the Customs Service.

“(B) Modify hours of service, alter services rendered at any location, or reduce the number of employees at any location.

“(C) Take any other action that may be necessary to directly respond to the national emergency or specific threat.

“(2) Notwithstanding any other provision of law, the Commissioner of Customs, when necessary to respond to a specific threat to human life or national interests, is authorized to close temporarily any Customs office or port of entry or take any other lesser action that may be necessary to respond to the specific threat.

“(3) The Secretary of the Treasury or the Commissioner of Customs, as the case may

be, shall notify the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate not later than 72 hours after taking any action under paragraph (1) or (2).”

#### SEC. 143. MANDATORY ADVANCED ELECTRONIC INFORMATION FOR CARGO AND PASSENGERS.

(a) CARGO INFORMATION.—

(1) IN GENERAL.—Section 431(b) of the Tariff Act of 1930 (19 U.S.C. 1431(b)) is amended—

(A) in the first sentence, by striking “Any manifest” and inserting “(1) Any manifest”; and

(B) by adding at the end the following:

“(2)(A) In addition to any other requirement under this section, for each land, air, or vessel carrier required to make entry under the customs laws of the United States, the pilot, the master, operator, or owner of such carrier (or the authorized agent of such operator or owner) shall provide by electronic transmission cargo manifest information in advance of such entry in such manner, time, and form as prescribed under regulations by the Secretary. The Secretary may exclude any class of land, air, or vessel carrier for which the Secretary concludes the requirements of this subparagraph are not necessary.

“(B) The Secretary shall cooperate with other appropriate Federal departments and agencies for the purpose of providing to such departments and agencies as soon as practicable cargo manifest information obtained pursuant to subparagraph (A). In carrying out the preceding sentence, the Secretary, to the maximum extent practicable, shall protect the privacy and property rights with respect to the cargo involved.”

(2) CONFORMING AMENDMENTS.—Subparagraphs (A) and (C) of section 431(d)(1) of such Act are each amended by inserting before the semicolon “or subsection (b)(2)”.

(b) PASSENGER INFORMATION.—Part II of title IV of the Tariff Act of 1930 (19 U.S.C. 1431 et seq.) is amended by inserting after section 431 the following:

#### “SEC. 432. PASSENGER AND CREW INFORMATION REQUIRED FOR LAND, AIR, OR VESSEL CARRIERS.

“(a) IN GENERAL.—For every person arriving or departing on a land, air, or vessel carrier required to make entry or obtain clearance under the customs laws of the United States, the pilot, the master, operator, or owner of such carrier (or the authorized agent of such operator or owner) shall provide by electronic transmission information described in subsection (b) in advance of such entry or clearance in such manner, time, and form as prescribed under regulations by the Secretary.

“(b) INFORMATION DESCRIBED.—The information described in this subsection shall include for each person described in subsection (a), if applicable, the person’s—

“(1) full name;

“(2) date of birth and citizenship;

“(3) gender;

“(4) passport number and country of issuance;

“(5) United States visa number or resident alien card number;

“(6) passenger name record; and

“(7) such additional information that the Secretary, by regulation, determines is reasonably necessary to ensure aviation and maritime safety pursuant to the laws enforced or administered by the Customs Service.

“(c) SHARING OF INFORMATION.—The Secretary shall cooperate with other appropriate Federal departments and agencies for the purpose of providing to such departments and agencies as soon as practicable electronic transmission information obtained pursuant to subsection (a). In carrying out

the preceding sentence, the Secretary, to the maximum extent practicable, shall protect the privacy rights of the person with respect to which the information relates.”

(c) DEFINITION.—Section 401 of the Tariff Act of 1930 (19 U.S.C. 1401) is amended by adding at the end the following:

“(t) The term ‘land, air, or vessel carrier’ means a land, air, or vessel carrier, as the case may be, that transports goods or passengers for payment or other consideration, including money or services rendered.”

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect beginning 45 days after the date of the enactment of this Act.

#### SEC. 144. BORDER SEARCH AUTHORITY FOR CERTAIN CONTRABAND IN OUTBOUND MAIL.

The Tariff Act of 1930 is amended by inserting after section 582 the following:

#### “SEC. 583. EXAMINATION OF OUTBOUND MAIL.

“(a) EXAMINATION.—

“(1) IN GENERAL.—For purposes of ensuring compliance with the Customs laws of the United States and other laws enforced by the Customs Service, including the provisions of law described in paragraph (2), a Customs officer may, subject to the provisions of this section, stop and search at the border, without a search warrant, mail of domestic origin transmitted for export by the United States Postal Service and foreign mail transiting the United States that is being imported or exported by the United States Postal Service.

“(2) PROVISIONS OF LAW DESCRIBED.—The provisions of law described in this paragraph are the following:

“(A) Section 5316 of title 31, United States Code (relating to reports on exporting and importing monetary instruments).

“(B) Sections 1461, 1463, 1465, and 1466 and chapter 110 of title 18, United States Code (relating to obscenity and child pornography).

“(C) Section 1003 of the Controlled Substances Import and Export Act (21 U.S.C. 953; relating to exportation of controlled substances).

“(D) The Export Administration Act of 1979 (50 U.S.C. app. 2401 et seq.).

“(E) Section 38 of the Arms Export Control Act (22 U.S.C. 2778).

“(F) The International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.).

“(b) SEARCH OF MAIL NOT SEALED AGAINST INSPECTION AND OTHER MAIL.—Mail not sealed against inspection under the postal laws and regulations of the United States, mail which bears a customs declaration, and mail with respect to which the sender or addressee has consented in writing to search, may be searched by a Customs officer.

“(c) SEARCH OF MAIL SEALED AGAINST INSPECTION.—(1) Mail sealed against inspection under the postal laws and regulations of the United States may be searched by a Customs officer, subject to paragraph (2), upon reasonable cause to suspect that such mail contains one or more of the following:

“(A) Monetary instruments, as defined in section 1956 of title 18, United States Code.

“(B) A weapon of mass destruction, as defined in section 2332a(b) of title 18, United States Code.

“(C) A drug or other substance listed in schedule I, II, III, or IV in section 202 of the Controlled Substances Act (21 U.S.C. 812).

“(D) National defense and related information transmitted in violation of any of sections 793 through 798 of title 18, United States Code.

“(E) Merchandise mailed in violation of section 1715 or 1716 of title 18, United States Code.



“(F) Merchandise mailed in violation of any provision of chapter 71 (relating to obscenity) or chapter 110 (relating to sexual exploitation and other abuse of children) of title 18, United States Code.

“(G) Merchandise mailed in violation of the Export Administration Act of 1979 (50 U.S.C. app. 2401 et seq.).

“(H) Merchandise mailed in violation of section 38 of the Arms Export Control Act (22 U.S.C. 2778).

“(I) Merchandise mailed in violation of the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.).

“(J) Merchandise mailed in violation of the Trading with the Enemy Act (50 U.S.C. app. 1 et seq.).

“(K) Merchandise subject to any other law enforced by the Customs Service.

“(2) No person acting under authority of paragraph (1) shall read, or authorize any other person to read, any correspondence contained in mail sealed against inspection unless prior to so reading—

“(A) a search warrant has been issued pursuant to Rule 41, Federal Rules of Criminal Procedure; or

“(B) the sender or addressee has given written authorization for such reading.”.

#### **SEC. 145. AUTHORIZATION OF APPROPRIATIONS FOR REESTABLISHMENT OF CUSTOMS OPERATIONS IN NEW YORK CITY.**

##### **(a) AUTHORIZATION OF APPROPRIATIONS.—**

(1) IN GENERAL.—There is authorized to be appropriated for the reestablishment of operations of the Customs Service in New York, New York, such sums as may be necessary for fiscal year 2002.

(2) OPERATIONS DESCRIBED.—The operations referred to in paragraph (1) include, but are not limited to, the following:

(A) Operations relating to the Port Director of New York City, the New York Customs Management Center (including the Director of Field Operations), and the Special Agent-In-Charge for New York.

(B) Commercial operations, including textile enforcement operations and salaries and expenses of—

(i) trade specialists who determine the origin and value of merchandise;

(ii) analysts who monitor the entry data into the United States of textiles and textile products; and

(iii) Customs officials who work with foreign governments to examine textile makers and verify entry information.

(b) AVAILABILITY.—Amounts appropriated pursuant to the authorization of appropriations under subsection (a) are authorized to remain available until expended.

#### **Subtitle E—Textile Transshipment Provisions**

#### **SEC. 151. GAO AUDIT OF TEXTILE TRANSSHIPMENT MONITORING BY CUSTOMS SERVICE.**

(a) GAO AUDIT.—The Comptroller General of the United States shall conduct an audit of the system established and carried out by the Customs Service to monitor textile transshipment.

(b) REPORT.—Not later than 9 months after the date of enactment of this Act, the Comptroller General shall submit to the Committee on Ways and Means of the House of Representatives and Committee on Finance of the Senate a report that contains the results of the study conducted under subsection (a), including recommendations for improvements to the transshipment monitoring system if applicable.

(c) TRANSSHIPMENT DESCRIBED.—Transshipment within the meaning of this section has occurred when preferential treatment under any provision of law has been claimed for a textile or apparel article on the basis of material false information concerning the

country of origin, manufacture, processing, or assembly of the article or any of its components. For purposes of the preceding sentence, false information is material if disclosure of the true information would mean or would have meant that the article is or was ineligible for preferential treatment under the provision of law in question.

#### **SEC. 152. AUTHORIZATION OF APPROPRIATIONS FOR TEXTILE TRANSSHIPMENT ENFORCEMENT OPERATIONS.**

##### **(a) AUTHORIZATION OF APPROPRIATIONS.—**

(1) IN GENERAL.—There is authorized to be appropriated for textile transshipment enforcement operations of the Customs Service \$9,500,000 for fiscal year 2002.

(2) AVAILABILITY.—Amounts appropriated pursuant to the authorization of appropriations under paragraph (1) are authorized to remain available until expended.

(b) USE OF FUNDS.—Of the amount appropriated pursuant to the authorization of appropriations under subsection (a), the following amounts are authorized to be made available for the following purposes:

(1) IMPORT SPECIALISTS.—\$1,463,000 for 21 Customs import specialists to be assigned to selected ports for documentation review to support detentions and exclusions and 1 additional Customs import specialist assigned to the Customs headquarters textile program to administer the program and provide oversight.

(2) INSPECTORS.—\$652,080 for 10 Customs inspectors to be assigned to selected ports to examine targeted high-risk shipments.

(3) INVESTIGATORS.—(A) \$1,165,380 for 10 investigators to be assigned to selected ports to investigate instances of smuggling, quota and trade agreement circumvention, and use of counterfeit visas to enter inadmissible goods.

(B) \$149,603 for 1 investigator to be assigned to Customs headquarters textile program to coordinate and ensure implementation of textile production verification team results from an investigation perspective.

(4) INTERNATIONAL TRADE SPECIALISTS.—\$226,500 for 3 international trade specialists to be assigned to Customs headquarters to be dedicated to illegal textile transshipment policy issues and other free trade agreement enforcement issues.

(5) PERMANENT IMPORT SPECIALISTS FOR HONG KONG.—\$500,000 for 2 permanent import specialist positions and \$500,000 for 2 investigators to be assigned to Hong Kong to work with Hong Kong and other government authorities in Southeast Asia to assist such authorities pursue proactive enforcement of bilateral trade agreements.

(6) VARIOUS PERMANENT TRADE POSITIONS.—\$3,500,000 for the following:

(A) 2 permanent positions to be assigned to the Customs attaché office in Central America to address trade enforcement issues for that region.

(B) 2 permanent positions to be assigned to the Customs attaché office in South Africa to address trade enforcement issues pursuant to the African Growth and Opportunity Act (title I of Public Law 106-200).

(C) 4 permanent positions to be assigned to the Customs attaché office in Mexico to address the threat of illegal textile transshipment through Mexico and other related issues under the North American Free Trade Agreement Act.

(D) 2 permanent positions to be assigned to the Customs attaché office in Seoul, South Korea, to address the trade issues in the geographic region.

(E) 2 permanent positions to be assigned to the proposed Customs attaché office in New Delhi, India, to address the threat of illegal textile transshipment and other trade enforcement issues.

(F) 2 permanent positions to be assigned to the Customs attaché office in Rome, Italy, to address trade enforcement issues in the geographic region, including issues under free trade agreements with Jordan and Israel.

(7) ATTORNEYS.—\$179,886 for 2 attorneys for the Office of the Chief Counsel of the Customs Service to pursue cases regarding illegal textile transshipment.

(8) AUDITORS.—\$510,000 for 6 Customs auditors to perform internal control reviews and document and record reviews of suspect importers.

(9) ADDITIONAL TRAVEL FUNDS.—\$250,000 for deployment of additional textile production verification teams to sub-Saharan Africa.

(10) TRAINING.—(A) \$75,000 for training of Customs personnel.

(B) \$200,000 for training for foreign counterparts in risk management analytical techniques and for teaching factory inspection techniques, model law Development, and enforcement techniques.

(11) OUTREACH.—\$60,000 for outreach efforts to United States importers.

#### **SEC. 153. IMPLEMENTATION OF THE AFRICAN GROWTH AND OPPORTUNITY ACT.**

Of the amount made available for fiscal year 2002 under section 301(b)(2)(A) of the Customs Procedural Reform and Simplification Act of 1978 (19 U.S.C. 2075(b)(2)(A)), as amended by section 101(b)(1) of this Act, \$1,317,000 shall be available until expended for the Customs Service to provide technical assistance to help sub-Saharan Africa countries develop and implement effective visa and anti-transshipment systems as required by the African Growth and Opportunity Act (title I of Public Law 106-200), as follows:

(1) TRAVEL FUNDS.—\$600,000 for import specialists, special agents, and other qualified Customs personnel to travel to sub-Saharan Africa countries to provide technical assistance in developing and implementing effective visa and anti-transshipment systems.

(2) IMPORT SPECIALISTS.—\$266,000 for 4 import specialists to be assigned to Customs headquarters to be dedicated to providing technical assistance to sub-Saharan African countries for developing and implementing effective visa and anti-transshipment systems.

(3) DATA RECONCILIATION ANALYSTS.—\$151,000 for 2 data reconciliation analysts to review apparel shipments.

(4) SPECIAL AGENTS.—\$300,000 for 2 special agents to be assigned to Customs headquarters to be available to provide technical assistance to sub-Saharan African countries in the performance of investigations and other enforcement initiatives.

#### **TITLE II—OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE**

##### **SEC. 201. AUTHORIZATION OF APPROPRIATIONS.**

(a) IN GENERAL.—Section 141(g)(1) of the Trade Act of 1974 (19 U.S.C. 2171(g)(1)) is amended—

(1) in subparagraph (A)—

(A) in the matter preceding clause (i), by striking “not to exceed”;

(B) in clause (i) to read as follows:

“(i) \$30,000,000 for fiscal year 2002.”;

(C) in clause (ii) to read as follows:

“(ii) \$32,300,000 for fiscal year 2003.”; and

(D) by adding at the end the following:

“(iii) \$33,108,000 for fiscal year 2004.”; and

(2) in subparagraph (B)—

(A) in clause (i), by adding “and” at the end;

(B) by striking clause (ii); and

(C) by redesignating clause (iii) as clause (ii).

(b) SUBMISSION OF OUT-YEAR BUDGET PROJECTIONS.—Section 141(g) of the Trade Act of 1974 (19 U.S.C. 2171(g)) is amended by adding at the end the following:

“(3) By not later than the date on which the President submits to Congress the budget of the United States Government for a fiscal year, the United States Trade Representative shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate the projected amount of funds for the succeeding fiscal year that will be necessary for the Office to carry out its functions.”.

(c) **ADDITIONAL STAFF FOR OFFICE OF ASSISTANT U.S. TRADE REPRESENTATIVE FOR CONGRESSIONAL AFFAIRS.**—

(1) **IN GENERAL.**—There is authorized to be appropriated such sums as may be necessary for fiscal year 2002 for the salaries and expenses of two additional legislative specialist employee positions within the Office of the Assistant United States Trade Representative for Congressional Affairs.

(2) **AVAILABILITY.**—Amounts appropriated pursuant to the authorization of appropriations under paragraph (1) are authorized to remain available until expended.

### TITLE III—UNITED STATES

#### INTERNATIONAL TRADE COMMISSION

##### SEC. 301. AUTHORIZATION OF APPROPRIATIONS.

(a) **IN GENERAL.**—Section 330(e)(2)(A) of the Tariff Act of 1930 (19 U.S.C. 1330(e)(2)) is amended—

(1) in clause (i) to read as follows:

“(i) \$51,440,000 for fiscal year 2002.”;

(2) in clause (ii) to read as follows:

“(ii) \$54,000,000 for fiscal year 2003.”; and

(3) by adding at the end the following:

“(iii) \$57,240,000 for fiscal year 2004.”.

(b) **SUBMISSION OF OUT-YEAR BUDGET PROJECTIONS.**—Section 330(e) of the Tariff Act of 1930 (19 U.S.C. 1330(e)(2)) is amended by adding at the end the following:

“(4) By not later than the date on which the President submits to Congress the budget of the United States Government for a fiscal year, the Commission shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate the projected amount of funds for the succeeding fiscal year that will be necessary for the Commission to carry out its functions.”.

### TITLE IV—OTHER TRADE PROVISIONS

##### SEC. 401. INCREASE IN AGGREGATE VALUE OF ARTICLES EXEMPT FROM DUTY ACQUIRED ABROAD BY UNITED STATES RESIDENTS.

(a) **IN GENERAL.**—Subheading 9804.00.65 of the Harmonized Tariff Schedule of the United States is amended in the article description column by striking “\$400” and inserting “\$800”.

(b) **EFFECTIVE DATE.**—The amendment made by subsection (a) shall take effect 90 days after the date of the enactment of this Act.

##### SEC. 402. REGULATORY AUDIT PROCEDURES.

Section 509(b) of the Tariff Act of 1930 (19 U.S.C. 1509(b)) is amended by adding at the end the following:

“(6)(A) If during the course of any audit concluded under this subsection, the Customs Service identifies overpayments of duties or fees or over-declarations of quantities or values that are within the time period and scope of the audit that the Customs Service has defined, then in calculating the loss of revenue or monetary penalties under section 592, the Customs Service shall treat the overpayments or over-declarations on finally liquidated entries as an offset to any underpayments or underdeclarations also identified on finally liquidated entries if such overpayments or over-declarations were not made by the person being audited for the purpose of violating any provision of law.

“(B) Nothing in this paragraph shall be construed to authorize a refund not otherwise authorized under section 520.”.

The CHAIRMAN pro tempore. Pursuant to House Resolution 426, the gentleman from Illinois (Mr. CRANE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Illinois (Mr. CRANE).

Mr. CRANE. Mr. Chairman, I yield myself such time as I may consume.

The substitute increases authorization funding levels at section 101, including earmark for resources at northern border at section 131, new section 121. It extends authorization through 2004. It deletes sections 121 through 125 concerning customs officer pay changes, and renumbers. It adds new section 127 to change customs' fees for couriers to a fixed fee structure. It clarifies in section 143 that advanced electronic manifest requirements applies only to inbound cargo, as provisions to require sharing of information collected by customs to other government agencies.

It clarifies in section 143 that advanced information for passengers and crew is not intended to create new immigration requirements. Specifically, the Secretary can demand passport and visa information only if such a requirement to have a passport or visa already applies to the passenger or crew.

Mr. Chairman, these provisions are designed to make the bill stronger. I urge a “yes” vote on the Thomas substitute.

Mr. Chairman, I reserve the balance of my time.

Mr. LEVIN. Mr. Chairman, I claim the time in opposition to the amendment, and I reserve the balance of my time.

Mr. CRANE. Mr. Chairman, I yield 2 minutes to the gentleman from North Carolina (Mr. HAYES), our distinguished colleague.

Mr. HAYES. Mr. Chairman, I rise in strong support of this bill today, the manager's amendment, the substitute by the gentleman from California (Mr. THOMAS). H.R. 3129 will provide customs with better tools to protect America's borders during this time of war. But specifically, I would like to highlight some of the provisions for the textile industry.

Illegal transshipments are some of the most critical issues facing our domestic textile industry, and it is one of the issues that I said should be a part of any debate on trade. I want to thank the chairman and the gentleman from Illinois (Mr. CRANE) for their willingness to work with me and other Members and with the textile industry to address this growing problem of illegal textile transshipments.

Without question, one of the greatest threats to our domestic textile industry is the illegal shipment of textile and apparel goods from ports around the world. Our domestic industry can compete on a level playing field, but they cannot compete against a flood of illegal imports. This bill will go far in helping to address the problem. It adds \$9.5 million to fight textile trans-

shipment through added staff dedicated to specific geographic areas such as Hong Kong, India, Korea, Mexico, and the Middle East. It includes an additional 50 new staff, including investigators and inspectors.

By no means will this solve every problem, but it will be very helpful in fighting the problems of illegal transshipments; and I urge my colleagues' support.

Mr. LEVIN. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, I am glad that this bill has within it the language regarding transshipment that has been mentioned by the distinguished gentleman who spoke before me. I do want to point out, however, that this bill is strictly an authorization; and unless there is an appropriation to carry it out, the language would not be meaningful.

Mr. Chairman, I reserve the balance of my time.

Mr. CRANE. Mr. Chairman, I would urge our colleagues on a good, strong, bipartisan basis to support this substitute.

Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

Mr. LEVIN. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore. The question is on the amendment in the nature of a substitute offered by the gentleman from Illinois (Mr. CRANE).

The amendment in the nature of a substitute was agreed to.

The CHAIRMAN pro tempore. It is now in order to consider amendment No. 2 printed in House Report 107-482.

#### AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MS. WATERS

Ms. WATERS. Mr. Chairman, I offer an amendment in the nature of a substitute.

The CHAIRMAN pro tempore. Is the gentlewoman from California (Ms. WATERS) the designee of the gentleman from New York (Mr. RANGEL)?

Ms. WATERS. Yes, I am.

The CHAIRMAN pro tempore. The Clerk will designate the amendment in the nature of a substitute.

The text of the amendment in the nature of a substitute is as follows:

Amendment in the nature of a substitute offered by Ms. WATERS:

Strike all after the enacting clause and insert the following:

#### SECTION 1. SHORT TITLE.

This Act may be cited as the “Customs Border Security Act of 2002”.

#### SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Short title.

Sec. 2. Table of contents.

#### TITLE I—UNITED STATES CUSTOMS SERVICE

Subtitle A—Drug Enforcement and Other Noncommercial and Commercial Operations  
Sec. 101. Authorization of appropriations for noncommercial operations, commercial operations, and air and marine interdiction.

Sec. 102. Antiterrorist and illicit narcotics detection equipment for the United States-Mexico border, United States-Canada border, and Florida and the Gulf Coast seaports.

Sec. 103. Compliance with performance plan requirements.

Subtitle B—Child Cyber-Smuggling Center of the Customs Service

Sec. 111. Authorization of appropriations for program to prevent child pornography/child sexual exploitation.

Subtitle C—Miscellaneous Provisions

Sec. 121. Additional Customs Service officers for United States-Canada border.

Sec. 122. Study and report relating to personnel practices of the Customs Service.

Sec. 123. Study and report relating to accounting and auditing procedures of the Customs Service.

Sec. 124. Establishment and implementation of cost accounting system; reports.

Sec. 125. Study and report relating to timeliness of prospective rulings.

Sec. 126. Study and report relating to Customs user fees.

Sec. 127. Fees for Customs inspections at express courier facilities.

Sec. 128. National Customs Automation Program.

Subtitle D—Antiterrorism Provisions

Sec. 141. Exclusive remedy for personal search claims.

Sec. 142. Emergency adjustments to offices, ports of entry, or staffing of the Customs Service.

Sec. 143. Mandatory advanced electronic information for cargo and passengers.

Sec. 144. Authorization of appropriations for reestablishment of Customs operations in New York City.

Subtitle E—Textile Transshipment Provisions

Sec. 151. GAO audit of textile transshipment monitoring by Customs Service.

Sec. 152. Authorization of appropriations for textile transshipment enforcement operations.

Sec. 153. Implementation of the African Growth and Opportunity Act.

TITLE II—OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

Sec. 201. Authorization of appropriations.

TITLE III—UNITED STATES INTERNATIONAL TRADE COMMISSION

Sec. 301. Authorization of appropriations.

TITLE IV—OTHER TRADE PROVISIONS

Sec. 401. Increase in aggregate value of articles exempt from duty acquired abroad by United States residents.

Sec. 402. Regulatory audit procedures.

TITLE I—UNITED STATES CUSTOMS SERVICE

Subtitle A—Drug Enforcement and Other Noncommercial and Commercial Operations

SEC. 101. AUTHORIZATION OF APPROPRIATIONS FOR NONCOMMERCIAL OPERATIONS, COMMERCIAL OPERATIONS, AND AIR AND MARINE INTERDICTION.

(a) NONCOMMERCIAL OPERATIONS.—Section 301(b)(1) of the Customs Procedural Reform and Simplification Act of 1978 (19 U.S.C. 2075(b)(1)) is amended—

(1) in subparagraph (A) to read as follows: “(A) \$899,121,000 for fiscal year 2002.”;

(2) in subparagraph (B) to read as follows: “(B) \$1,365,456,000 for fiscal year 2003.”; and

(3) by adding at the end the following: “(C) \$1,399,592,400 for fiscal year 2004.”.

(b) COMMERCIAL OPERATIONS.—

(1) IN GENERAL.—Section 301(b)(2)(A) of the Customs Procedural Reform and Simplification Act of 1978 (19 U.S.C. 2075(b)(2)(A)) is amended—

(A) in clause (i) to read as follows:

“(i) \$1,606,068,000 for fiscal year 2002.”;

(B) in clause (ii) to read as follows:

“(ii) \$1,642,602,000 for fiscal year 2003.”; and

(C) by adding at the end the following:

“(iii) \$1,683,667,050 for fiscal year 2004.”.

(2) AUTOMATED COMMERCIAL ENVIRONMENT COMPUTER SYSTEM.—Of the amount made available for each of fiscal years 2002 through 2004 under section 301(b)(2)(A) of the Customs Procedural Reform and Simplification Act of 1978 (19 U.S.C. 2075(b)(2)(A)), as amended by paragraph (1), \$308,000,000 shall be available until expended for each such fiscal year for the development, establishment, and implementation of the Automated Commercial Environment computer system.

(3) REPORTS.—Not later than 90 days after the date of the enactment of this Act, and not later than each subsequent 90-day period, the Commissioner of Customs shall prepare and submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a report demonstrating that the development and establishment of the Automated Commercial Environment computer system is being carried out in a cost-effective manner and meets the modernization requirements of title VI of the North American Free Trade Agreement Implementation Act.

(c) AIR AND MARINE INTERDICTION.—Section 301(b)(3) of the Customs Procedural Reform and Simplification Act of 1978 (19 U.S.C. 2075(b)(3)) is amended—

(1) in subparagraph (A) to read as follows: “(A) \$177,860,000 for fiscal year 2002.”;

(2) in subparagraph (B) to read as follows: “(B) \$170,829,000 for fiscal year 2003.”; and

(3) by adding at the end the following:

“(C) \$175,099,725 for fiscal year 2004.”.

(d) SUBMISSION OF OUT-YEAR BUDGET PROJECTIONS.—Section 301(a) of the Customs Procedural Reform and Simplification Act of 1978 (19 U.S.C. 2075(a)) is amended by adding at the end the following:

“(3) By not later than the date on which the President submits to Congress the budget of the United States Government for a fiscal year, the Commissioner of Customs shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate the projected amount of funds for the succeeding fiscal year that will be necessary for the operations of the Customs Service as provided for in subsection (b).”.

SEC. 102. ANTITERRORIST AND ILLICIT NARCOTICS DETECTION EQUIPMENT FOR THE UNITED STATES-MEXICO BORDER, UNITED STATES-CANADA BORDER, AND FLORIDA AND THE GULF COAST SEAPORTS.

(a) FISCAL YEAR 2002.—Of the amounts made available for fiscal year 2002 under section 301(b)(1)(A) of the Customs Procedural Reform and Simplification Act of 1978 (19 U.S.C. 2075(b)(1)(A)), as amended by section 101(a) of this Act, \$90,244,000 shall be available until expended for acquisition and other expenses associated with implementation and deployment of antiterrorist and illicit narcotics detection equipment along the United States-Mexico border, the United States-Canada border, and Florida and the Gulf Coast seaports, as follows:

(1) UNITED STATES-MEXICO BORDER.—For the United States-Mexico border, the following:

(A) \$6,000,000 for 8 Vehicle and Container Inspection Systems (VACIS).

(B) \$11,200,000 for 5 mobile truck x-rays with transmission and backscatter imaging.

(C) \$13,000,000 for the upgrade of 8 fixed-site truck x-rays from the present energy level of 450,000 electron volts to 1,000,000 electron volts (1-MeV).

(D) \$7,200,000 for 8 1-MeV pallet x-rays.

(E) \$1,000,000 for 200 portable contraband detectors (busters) to be distributed among ports where the current allocations are inadequate.

(F) \$600,000 for 50 contraband detection kits to be distributed among all southwest border ports based on traffic volume.

(G) \$500,000 for 25 ultrasonic container inspection units to be distributed among all ports receiving liquid-filled cargo and to ports with a hazardous material inspection facility.

(H) \$2,450,000 for 7 automated targeting systems.

(I) \$360,000 for 30 rapid tire deflator systems to be distributed to those ports where port runners are a threat.

(J) \$480,000 for 20 portable Treasury Enforcement Communications Systems (TECS) terminals to be moved among ports as needed.

(K) \$1,000,000 for 20 remote watch surveillance camera systems at ports where there are suspicious activities at loading docks, vehicle queues, secondary inspection lanes, or areas where visual surveillance or observation is obscured.

(L) \$1,254,000 for 57 weigh-in-motion sensors to be distributed among the ports with the greatest volume of outbound traffic.

(M) \$180,000 for 36 AM traffic information radio stations, with 1 station to be located at each border crossing.

(N) \$1,040,000 for 260 inbound vehicle counters to be installed at every inbound vehicle lane.

(O) \$950,000 for 38 spotter camera systems to counter the surveillance of customs inspection activities by persons outside the boundaries of ports where such surveillance activities are occurring.

(P) \$390,000 for 60 inbound commercial truck transponders to be distributed to all ports of entry.

(Q) \$1,600,000 for 40 narcotics vapor and particle detectors to be distributed to each border crossing.

(R) \$400,000 for license plate reader automatic targeting software to be installed at each port to target inbound vehicles.

(2) UNITED STATES-CANADA BORDER.—For the United States-Canada border, the following:

(A) \$3,000,000 for 4 Vehicle and Container Inspection Systems (VACIS).

(B) \$8,800,000 for 4 mobile truck x-rays with transmission and backscatter imaging.

(C) \$3,600,000 for 4 1-MeV pallet x-rays.

(D) \$250,000 for 50 portable contraband detectors (busters) to be distributed among ports where the current allocations are inadequate.

(E) \$300,000 for 25 contraband detection kits to be distributed among ports based on traffic volume.

(F) \$240,000 for 10 portable Treasury Enforcement Communications Systems (TECS) terminals to be moved among ports as needed.

(G) \$400,000 for 10 narcotics vapor and particle detectors to be distributed to each border crossing based on traffic volume.

(3) FLORIDA AND GULF COAST SEAPORTS.—For Florida and the Gulf Coast seaports, the following:

(A) \$4,500,000 for 6 Vehicle and Container Inspection Systems (VACIS).

(B) \$11,800,000 for 5 mobile truck x-rays with transmission and backscatter imaging.

(C) \$7,200,000 for 8 1-MeV pallet x-rays.

(D) \$250,000 for 50 portable contraband detectors (busters) to be distributed among ports where the current allocations are inadequate.

(E) \$300,000 for 25 contraband detection kits to be distributed among ports based on traffic volume.

(b) FISCAL YEAR 2003.—Of the amounts made available for fiscal year 2003 under section 301(b)(1)(B) of the Customs Procedural Reform and Simplification Act of 1978 (19 U.S.C. 2075(b)(1)(B)), as amended by section 101(a) of this Act, \$9,000,000 shall be available until expended for the maintenance and support of the equipment and training of personnel to maintain and support the equipment described in subsection (a).

(c) ACQUISITION OF TECHNOLOGICALLY SUPERIOR EQUIPMENT; TRANSFER OF FUNDS.—

(1) IN GENERAL.—The Commissioner of Customs may use amounts made available for fiscal year 2002 under section 301(b)(1)(A) of the Customs Procedural Reform and Simplification Act of 1978 (19 U.S.C. 2075(b)(1)(A)), as amended by section 101(a) of this Act, for the acquisition of equipment other than the equipment described in subsection (a) if such other equipment—

(A)(i) is technologically superior to the equipment described in subsection (a); and

(ii) will achieve at least the same results at a cost that is the same or less than the equipment described in subsection (a); or

(B) can be obtained at a lower cost than the equipment described in subsection (a).

(2) TRANSFER OF FUNDS.—Notwithstanding any other provision of this section, the Commissioner of Customs may reallocate an amount not to exceed 10 percent of—

(A) the amount specified in any of subparagraphs (A) through (R) of subsection (a)(1) for equipment specified in any other of such subparagraphs (A) through (R);

(B) the amount specified in any of subparagraphs (A) through (G) of subsection (a)(2) for equipment specified in any other of such subparagraphs (A) through (G); and

(C) the amount specified in any of subparagraphs (A) through (E) of subsection (a)(3) for equipment specified in any other of such subparagraphs (A) through (E).

#### SEC. 103. COMPLIANCE WITH PERFORMANCE PLAN REQUIREMENTS.

As part of the annual performance plan for each of the fiscal years 2002 and 2003 covering each program activity set forth in the budget of the United States Customs Service, as required under section 1115 of title 31, United States Code, the Commissioner of Customs shall establish performance goals, performance indicators, and comply with all other requirements contained in paragraphs (1) through (6) of subsection (a) of such section with respect to each of the activities to be carried out pursuant to section 102.

#### Subtitle B—Child Cyber-Smuggling Center of the Customs Service

#### SEC. 111. AUTHORIZATION OF APPROPRIATIONS FOR PROGRAM TO PREVENT CHILD PORNOGRAPHY/CHILD SEXUAL EXPLOITATION.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Customs Service \$10,000,000 for fiscal year 2002 to carry out the program to prevent child pornography/child sexual exploitation established by the Child Cyber-Smuggling Center of the Customs Service.

(b) USE OF AMOUNTS FOR CHILD PORNOGRAPHY CYBER TIPLINE.—Of the amount appropriated under subsection (a), the Customs Service shall provide 3.75 percent of such amount to the National Center for Missing and Exploited Children for the operation of the child pornography cyber tipline of the Center and for increased public awareness of the tipline.

#### Subtitle C—Miscellaneous Provisions

#### SEC. 121. ADDITIONAL CUSTOMS SERVICE OFFICERS FOR UNITED STATES-CANADA BORDER.

Of the amount made available for fiscal year 2002 under paragraphs (1) and (2)(A) of section 301(b) of the Customs Procedural Reform and Simplification Act of 1978 (19 U.S.C. 2075(b)), as amended by section 101 of this Act, \$28,300,000 shall be available until expended for the Customs Service to hire approximately 285 additional Customs Service officers to address the needs of the offices and ports along the United States-Canada border.

#### SEC. 122. STUDY AND REPORT RELATING TO PERSONNEL PRACTICES OF THE CUSTOMS SERVICE.

(a) STUDY.—The Commissioner of Customs shall conduct a study of current personnel practices of the Customs Service, including an overview of performance standards and the effect and impact of the collective bargaining process on drug interdiction efforts of the Customs Service and a comparison of duty rotation policies of the Customs Service and other Federal agencies that employ similarly-situated personnel.

(b) REPORT.—Not later than 120 days after the date of the enactment of this Act, the Commissioner of Customs shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a report containing the results of the study conducted under subsection (a).

#### SEC. 123. STUDY AND REPORT RELATING TO COUNTING AND AUDITING PROCEDURES OF THE CUSTOMS SERVICE.

(a) STUDY.—(1) The Commissioner of Customs shall conduct a study of actions by the Customs Service to ensure that appropriate training is being provided to Customs Service personnel who are responsible for financial auditing of importers.

(2) In conducting the study, the Commissioner—

(A) shall specifically identify those actions taken to comply with provisions of law that protect the privacy and trade secrets of importers, such as section 552(b) of title 5, United States Code, and section 1905 of title 18, United States Code; and

(B) shall provide for public notice and comment relating to verification of the actions described in subparagraph (A).

(b) REPORT.—Not later than 6 months after the date of the enactment of this Act, the Commissioner of Customs shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a report containing the results of the study conducted under subsection (a).

#### SEC. 124. ESTABLISHMENT AND IMPLEMENTATION OF COST ACCOUNTING SYSTEM; REPORTS.

(a) ESTABLISHMENT AND IMPLEMENTATION.—

(1) IN GENERAL.—Not later than September 30, 2003, the Commissioner of Customs shall, in accordance with the audit of the Customs Service's fiscal years 2000 and 1999 financial statements (as contained in the report of the Office of the Inspector General of the Department of the Treasury issued on February 23, 2001), establish and implement a cost accounting system for expenses incurred in both commercial and noncommercial operations of the Customs Service.

(2) ADDITIONAL REQUIREMENT.—The cost accounting system described in paragraph (1) shall provide for an identification of expenses based on the type of operation, the port at which the operation took place, the amount of time spent on the operation by personnel of the Customs Service, and an identification of expenses based on any other appropriate classification necessary to pro-

vide for an accurate and complete accounting of the expenses.

(b) REPORTS.—Beginning on the date of the enactment of this Act and ending on the date on which the cost accounting system described in subsection (a) is fully implemented, the Commissioner of Customs shall prepare and submit to Congress on a quarterly basis a report on the progress of implementing the cost accounting system pursuant to subsection (a).

#### SEC. 125. STUDY AND REPORT RELATING TO TIMELINESS OF PROSPECTIVE RULINGS.

(a) STUDY.—The Comptroller General shall conduct a study on the extent to which the Office of Regulations and Rulings of the Customs Service has made improvements to decrease the amount of time to issue prospective rulings from the date on which a request for the ruling is received by the Customs Service.

(b) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Comptroller General shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a report containing the results of the study conducted under subsection (a).

(c) DEFINITION.—In this section, the term "prospective ruling" means a ruling that is requested by an importer on goods that are proposed to be imported into the United States and that relates to the proper classification, valuation, or marking of such goods.

#### SEC. 126. STUDY AND REPORT RELATING TO CUSTOMS USER FEES.

(a) STUDY.—The Comptroller General shall conduct a study on the extent to which the amount of each customs user fee imposed under section 13031(a) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(a)) is commensurate with the level of services provided by the Customs Service relating to the fee so imposed.

(b) REPORT.—Not later than 120 days after the date of the enactment of this Act, the Comptroller General shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a report in classified form containing—

(1) the results of the study conducted under subsection (a); and

(2) recommendations for the appropriate amount of the customs user fees if such results indicate that the fees are not commensurate with the level of services provided by the Customs Service.

#### SEC. 127. FEES FOR CUSTOMS INSPECTIONS AT EXPRESS COURIER FACILITIES.

(a) IN GENERAL.—Section 13031(b)(9) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(b)(9)) is amended as follows:

(1) In subparagraph (A)—

(A) in the matter preceding clause (i), by striking "the processing of merchandise that is informally entered or released" and inserting "the processing of letters, documents, records, shipments, merchandise, or any other item that is valued at an amount under \$2,000 (or such higher amount as the Secretary may set by regulation pursuant to section 498 of the Tariff Act of 1930), whether or not such items are informally entered or released (except items entered or released for immediate exportation),"; and

(B) in clause (ii) to read as follows:

"(ii) In the case of an express consignment carrier facility or centralized hub facility, \$.66 per individual airway bill or bill of lading."

(2) By redesignating subparagraph (B) as subparagraph (C) and inserting after subparagraph (A) the following:

“(B)(i) For fiscal year 2004 and subsequent fiscal years, the Secretary of the Treasury may adjust (not more than once per fiscal year) the amount described in subparagraph (A)(ii) to not less than \$.35 but not more than \$1.00 per individual airway bill or bill of lading. The Secretary shall provide notice in the Federal Register of a proposed adjustment under the preceding sentence and the reasons therefor and shall allow for public comment on the proposed adjustment.

“(ii) The payment required by subparagraph (A)(ii) shall be the only payment required for reimbursement of the Customs Service in connection with the processing of an individual airway bill or bill of lading in accordance with such subparagraph, except that the Customs Service may charge a fee to cover expenses of the Customs Service for adequate office space, equipment, furnishings, supplies, and security.

“(iii)(I) The payment required by subparagraph (A)(ii) and clause (ii) shall be paid on a quarterly basis to the Customs Service in accordance with regulations prescribed by the Secretary of the Treasury.

“(II) 50 percent of the amount of payments received under subparagraph (A)(ii) and clause (ii) shall, in accordance with section 524 of the Tariff Act of 1930, be deposited as a refund to the appropriation for the amount paid out of that appropriation for the costs incurred in providing services to express consignment carrier facilities or centralized hub facilities. Amounts deposited in accordance with the preceding sentence shall be available until expended for the provision of customs services to express consignment carrier facilities or centralized hub facilities.

“(III) Notwithstanding section 524 of the Tariff Act of 1930, the remaining 50 percent of the amount of payments received under subparagraph (A)(ii) and clause (ii) shall be paid to the Secretary of the Treasury, which is in lieu of the payment of fees under subsection (a)(10) of this section.”

(b) **EFFECTIVE DATE.**—The amendments made by subsection (a) take effect on October 1, 2002.

#### **SEC. 128. NATIONAL CUSTOMS AUTOMATION PROGRAM.**

Section 411(b) of the Tariff Act of 1930 (19 U.S.C. 1411(b)) is amended by striking the second sentence and inserting the following: “The Secretary may, by regulation, require the electronic submission of information described in subsection (a) or any other information required to be submitted to the Customs Service separately pursuant to this subpart.”

#### **Subtitle D—Antiterrorism Provisions**

#### **SEC. 141. EXCLUSIVE REMEDY FOR PERSONAL SEARCH CLAIMS.**

(a) **EXCLUSIVE REMEDY.**—Section 3061 of the Revised Statutes of the United States (19 U.S.C. 482) is amended—

(1) by striking “Any of the officers” and inserting “(a) Any of the officers”; and

(2) by adding at the end the following:

“(b) The remedy against the United States for claims arising from the search of a person made pursuant to subsection (a) by any officer or employee of the Federal government while acting within the scope of his office or employment is exclusive of any other civil action or proceeding for money damages by reason of the same subject matter against the employee whose act or omission gave rise to the claim or against the estate of such employee. The United States shall be liable for any such claim, and any other civil action or proceeding for money damages arising out of or relating to the same subject matter against the employee or the employees estate is precluded without regard to when the act or omission occurred.”

(b) **REQUIREMENT TO POST POLICY AND PROCEDURES FOR SEARCHES OF PASSENGERS.**—Not

later than 30 days after the date of the enactment of this Act, the Commissioner of the Customs Service shall ensure that at each Customs border facility appropriate notice is posted that provides a summary of the policy and procedures of the Customs Service for searching passengers, including a statement of the policy relating to the prohibition on the conduct of profiling of passengers based on gender, race, color, religion, or ethnic background.

#### **SEC. 142. EMERGENCY ADJUSTMENTS TO OFFICES, PORTS OF ENTRY, OR STAFFING OF THE CUSTOMS SERVICE.**

Section 318 of the Tariff Act of 1930 (19 U.S.C. 1318) is amended—

(1) by striking “Whenever the President” and inserting “(a) Whenever the President”; and

(2) by adding at the end the following:

“(b)(1) Notwithstanding any other provision of law, the Secretary of the Treasury, when necessary to respond to a national emergency declared under the National Emergencies Act (50 U.S.C. 1601 et seq.) or to a specific threat to human life or national interests, is authorized to take the following actions on a temporary basis:

“(A) Eliminate, consolidate, or relocate any office or port of entry of the Customs Service.

“(B) Modify hours of service, alter services rendered at any location, or reduce the number of employees at any location.

“(C) Take any other action that may be necessary to directly respond to the national emergency or specific threat.

“(2) Notwithstanding any other provision of law, the Commissioner of Customs, when necessary to respond to a specific threat to human life or national interests, is authorized to close temporarily any Customs office or port of entry or take any other lesser action that may be necessary to respond to the specific threat.

“(3) The Secretary of the Treasury or the Commissioner of Customs, as the case may be, shall notify the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate not later than 72 hours after taking any action under paragraph (1) or (2).”

#### **SEC. 143. MANDATORY ADVANCED ELECTRONIC INFORMATION FOR CARGO AND PASSENGERS.**

(a) **CARGO INFORMATION.**—

(1) **IN GENERAL.**—Section 431(b) of the Tariff Act of 1930 (19 U.S.C. 1431(b)) is amended—

(A) in the first sentence, by striking “Any manifest” and inserting “(1) Any manifest”; and

(B) by adding at the end the following:

“(2)(A) In addition to any other requirement under this section, for each land, air, or vessel carrier required to make entry under the customs laws of the United States, the pilot, the master, operator, or owner of such carrier (or the authorized agent of such operator or owner) shall provide by electronic transmission cargo manifest information in advance of such entry in such manner, time, and form as prescribed under regulations by the Secretary. The Secretary may exclude any class of land, air, or vessel carrier for which the Secretary concludes the requirements of this subparagraph are not necessary.

“(B) The Secretary shall cooperate with other appropriate Federal departments and agencies for the purpose of providing to such departments and agencies as soon as practicable cargo manifest information obtained pursuant to subparagraph (A). In carrying out the preceding sentence, the Secretary, to the maximum extent practicable, shall protect the privacy and property rights with respect to the cargo involved.”

(2) **CONFORMING AMENDMENTS.**—Subparagraphs (A) and (C) of section 431(d)(1) of such

Act are each amended by inserting before the semicolon “or subsection (b)(2)”.

(b) **PASSENGER INFORMATION.**—Part II of title IV of the Tariff Act of 1930 (19 U.S.C. 1431 et seq.) is amended by inserting after section 431 the following:

#### **“SEC. 432. PASSENGER AND CREW INFORMATION REQUIRED FOR LAND, AIR, OR VESSEL CARRIERS.**

“(a) **IN GENERAL.**—For every person arriving or departing on a land, air, or vessel carrier required to make entry or obtain clearance under the customs laws of the United States, the pilot, the master, operator, or owner of such carrier (or the authorized agent of such operator or owner) shall provide by electronic transmission information described in subsection (b) in advance of such entry or clearance in such manner, time, and form as prescribed under regulations by the Secretary.

“(b) **INFORMATION DESCRIBED.**—The information described in this subsection shall include for each person described in subsection (a), if applicable, the person’s—

“(1) full name;

“(2) date of birth and citizenship;

“(3) gender;

“(4) passport number and country of issuance;

“(5) United States visa number or resident alien card number;

“(6) passenger name record; and

“(7) such additional information that the Secretary, by regulation, determines is reasonably necessary to ensure aviation and maritime safety pursuant to the laws enforced or administered by the Customs Service.

“(c) **SHARING OF INFORMATION.**—The Secretary shall cooperate with other appropriate Federal departments and agencies for the purpose of providing to such departments and agencies as soon as practicable electronic transmission information obtained pursuant to subsection (a). In carrying out the preceding sentence, the Secretary, to the maximum extent practicable, shall protect the privacy rights of the person with respect to which the information relates.”

(c) **DEFINITION.**—Section 401 of the Tariff Act of 1930 (19 U.S.C. 1401) is amended by adding at the end the following:

“(t) The term ‘land, air, or vessel carrier’ means a land, air, or vessel carrier, as the case may be, that transports goods or passengers for payment or other consideration, including money or services rendered.”

(d) **EFFECTIVE DATE.**—The amendments made by this section shall take effect beginning 45 days after the date of the enactment of this Act.

#### **SEC. 144. AUTHORIZATION OF APPROPRIATIONS FOR REESTABLISHMENT OF CUSTOMS OPERATIONS IN NEW YORK CITY.**

(a) **AUTHORIZATION OF APPROPRIATIONS.**—

(1) **IN GENERAL.**—There is authorized to be appropriated for the reestablishment of operations of the Customs Service in New York, New York, such sums as may be necessary for fiscal year 2002.

(2) **OPERATIONS DESCRIBED.**—The operations referred to in paragraph (1) include, but are not limited to, the following:

(A) Operations relating to the Port Director of New York City, the New York Customs Management Center (including the Director of Field Operations), and the Special Agent-In-Charge for New York.

(B) Commercial operations, including textile enforcement operations and salaries and expenses of—

(i) trade specialists who determine the origin and value of merchandise;

(ii) analysts who monitor the entry data into the United States of textiles and textile products; and

(iii) Customs officials who work with foreign governments to examine textile makers and verify entry information.

(b) AVAILABILITY.—Amounts appropriated pursuant to the authorization of appropriations under subsection (a) are authorized to remain available until expended.

**Subtitle E—Textile Transshipment Provisions**  
**SEC. 151. GAO AUDIT OF TEXTILE TRANSSHIPMENT MONITORING BY CUSTOMS SERVICE.**

(a) GAO AUDIT.—The Comptroller General of the United States shall conduct an audit of the system established and carried out by the Customs Service to monitor textile transshipment.

(b) REPORT.—Not later than 9 months after the date of enactment of this Act, the Comptroller General shall submit to the Committee on Ways and Means of the House of Representatives and Committee on Finance of the Senate a report that contains the results of the study conducted under subsection (a), including recommendations for improvements to the transshipment monitoring system if applicable.

(c) TRANSSHIPMENT DESCRIBED.—Transshipment within the meaning of this section has occurred when preferential treatment under any provision of law has been claimed for a textile or apparel article on the basis of material false information concerning the country of origin, manufacture, processing, or assembly of the article or any of its components. For purposes of the preceding sentence, false information is material if disclosure of the true information would mean or would have meant that the article is or was ineligible for preferential treatment under the provision of law in question.

**SEC. 152. AUTHORIZATION OF APPROPRIATIONS FOR TEXTILE TRANSSHIPMENT ENFORCEMENT OPERATIONS.**

(a) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated for textile transshipment enforcement operations of the Customs Service \$9,500,000 for fiscal year 2002.

(2) AVAILABILITY.—Amounts appropriated pursuant to the authorization of appropriations under paragraph (1) are authorized to remain available until expended.

(b) USE OF FUNDS.—Of the amount appropriated pursuant to the authorization of appropriations under subsection (a), the following amounts are authorized to be made available for the following purposes:

(1) IMPORT SPECIALISTS.—\$1,463,000 for 21 Customs import specialists to be assigned to selected ports for documentation review to support detentions and exclusions and 1 additional Customs import specialist assigned to the Customs headquarters textile program to administer the program and provide oversight.

(2) INSPECTORS.—\$652,080 for 10 Customs inspectors to be assigned to selected ports to examine targeted high-risk shipments.

(3) INVESTIGATORS.—(A) \$1,165,380 for 10 investigators to be assigned to selected ports to investigate instances of smuggling, quota and trade agreement circumvention, and use of counterfeit visas to enter inadmissible goods.

(B) \$149,603 for 1 investigator to be assigned to Customs headquarters textile program to coordinate and ensure implementation of textile production verification team results from an investigation perspective.

(4) INTERNATIONAL TRADE SPECIALISTS.—\$226,500 for 3 international trade specialists to be assigned to Customs headquarters to be dedicated to illegal textile transshipment policy issues and other free trade agreement enforcement issues.

(5) PERMANENT IMPORT SPECIALISTS FOR HONG KONG.—\$500,000 for 2 permanent import

specialist positions and \$500,000 for 2 investigators to be assigned to Hong Kong to work with Hong Kong and other government authorities in Southeast Asia to assist such authorities pursue proactive enforcement of bilateral trade agreements.

(6) VARIOUS PERMANENT TRADE POSITIONS.—\$3,500,000 for the following:

(A) 2 permanent positions to be assigned to the Customs attaché office in Central America to address trade enforcement issues for that region.

(B) 2 permanent positions to be assigned to the Customs attaché office in South Africa to address trade enforcement issues pursuant to the African Growth and Opportunity Act (title I of Public Law 106-200).

(C) 4 permanent positions to be assigned to the Customs attaché office in Mexico to address the threat of illegal textile transshipment through Mexico and other related issues under the North American Free Trade Agreement Act.

(D) 2 permanent positions to be assigned to the Customs attaché office in Seoul, South Korea, to address the trade issues in the geographic region.

(E) 2 permanent positions to be assigned to the proposed Customs attaché office in New Delhi, India, to address the threat of illegal textile transshipment and other trade enforcement issues.

(F) 2 permanent positions to be assigned to the Customs attaché office in Rome, Italy, to address trade enforcement issues in the geographic region, including issues under free trade agreements with Jordan and Israel.

(7) ATTORNEYS.—\$179,886 for 2 attorneys for the Office of the Chief Counsel of the Customs Service to pursue cases regarding illegal textile transshipment.

(8) AUDITORS.—\$510,000 for 6 Customs auditors to perform internal control reviews and document and record reviews of suspect importers.

(9) ADDITIONAL TRAVEL FUNDS.—\$250,000 for deployment of additional textile production verification teams to sub-Saharan Africa.

(10) TRAINING.—(A) \$75,000 for training of Customs personnel.

(B) \$200,000 for training for foreign counterparts in risk management analytical techniques and for teaching factory inspection techniques, model law Development, and enforcement techniques.

(11) OUTREACH.—\$60,000 for outreach efforts to United States importers.

**SEC. 153. IMPLEMENTATION OF THE AFRICAN GROWTH AND OPPORTUNITY ACT.**

Of the amount made available for fiscal year 2002 under section 301(b)(2)(A) of the Customs Procedural Reform and Simplification Act of 1978 (19 U.S.C. 2075(b)(2)(A)), as amended by section 101(b)(1) of this Act, \$1,317,000 shall be available until expended for the Customs Service to provide technical assistance to help sub-Saharan Africa countries develop and implement effective visa and anti-transshipment systems as required by the African Growth and Opportunity Act (title I of Public Law 106-200), as follows:

(1) TRAVEL FUNDS.—\$600,000 for import specialists, special agents, and other qualified Customs personnel to travel to sub-Saharan Africa countries to provide technical assistance in developing and implementing effective visa and anti-transshipment systems.

(2) IMPORT SPECIALISTS.—\$266,000 for 4 import specialists to be assigned to Customs headquarters to be dedicated to providing technical assistance to sub-Saharan African countries for developing and implementing effective visa and anti-transshipment systems.

(3) DATA RECONCILIATION ANALYSTS.—\$151,000 for 2 data reconciliation analysts to review apparel shipments.

(4) SPECIAL AGENTS.—\$300,000 for 2 special agents to be assigned to Customs headquarters to be available to provide technical assistance to sub-Saharan African countries in the performance of investigations and other enforcement initiatives.

**TITLE II—OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE**

**SEC. 201. AUTHORIZATION OF APPROPRIATIONS.**

(a) IN GENERAL.—Section 141(g)(1) of the Trade Act of 1974 (19 U.S.C. 2171(g)(1)) is amended—

(1) in subparagraph (A)—

(A) in the matter preceding clause (i), by striking “not to exceed”;

(B) in clause (i) to read as follows:

“(i) \$30,000,000 for fiscal year 2002.”;

(C) in clause (ii) to read as follows:

“(ii) \$32,300,000 for fiscal year 2003.”; and

(D) by adding at the end the following:

“(iii) \$33,108,000 for fiscal year 2004.”; and

(2) in subparagraph (B)—

(A) in clause (i), by adding “and” at the end;

(B) by striking clause (ii); and

(C) by redesignating clause (iii) as clause (ii).

(b) SUBMISSION OF OUT-YEAR BUDGET PROJECTIONS.—Section 141(g) of the Trade Act of 1974 (19 U.S.C. 2171(g)) is amended by adding at the end the following:

“(3) By not later than the date on which the President submits to Congress the budget of the United States Government for a fiscal year, the United States Trade Representative shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate the projected amount of funds for the succeeding fiscal year that will be necessary for the Office to carry out its functions.”.

(c) ADDITIONAL STAFF FOR OFFICE OF ASSISTANT U.S. TRADE REPRESENTATIVE FOR CONGRESSIONAL AFFAIRS.—

(1) IN GENERAL.—There is authorized to be appropriated such sums as may be necessary for fiscal year 2002 for the salaries and expenses of two additional legislative specialist employee positions within the Office of the Assistant United States Trade Representative for Congressional Affairs.

(2) AVAILABILITY.—Amounts appropriated pursuant to the authorization of appropriations under paragraph (1) are authorized to remain available until expended.

**TITLE III—UNITED STATES INTERNATIONAL TRADE COMMISSION**

**SEC. 301. AUTHORIZATION OF APPROPRIATIONS.**

(a) IN GENERAL.—Section 330(e)(2)(A) of the Tariff Act of 1930 (19 U.S.C. 1330(e)(2)) is amended—

(1) in clause (i) to read as follows:

“(i) \$51,440,000 for fiscal year 2002.”;

(2) in clause (ii) to read as follows:

“(ii) \$54,000,000 for fiscal year 2003.”; and

(3) by adding at the end the following:

“(iii) \$57,240,000 for fiscal year 2004.”.

(b) SUBMISSION OF OUT-YEAR BUDGET PROJECTIONS.—Section 330(e) of the Tariff Act of 1930 (19 U.S.C. 1330(e)(2)) is amended by adding at the end the following:

“(4) By not later than the date on which the President submits to Congress the budget of the United States Government for a fiscal year, the Commission shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate the projected amount of funds for the succeeding fiscal year that will be necessary for the Commission to carry out its functions.”.

**TITLE IV—OTHER TRADE PROVISIONS**

**SEC. 401. INCREASE IN AGGREGATE VALUE OF ARTICLES EXEMPT FROM DUTY ACQUIRED ABROAD BY UNITED STATES RESIDENTS.**

(a) IN GENERAL.—Subheading 9804.00.65 of the Harmonized Tariff Schedule of the



United States is amended in the article description column by striking "\$400" and inserting "\$800".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect 90 days after the date of the enactment of this Act.

#### SEC. 402. REGULATORY AUDIT PROCEDURES.

Section 509(b) of the Tariff Act of 1930 (19 U.S.C. 1509(b)) is amended by adding at the end the following:

"(6)(A) If during the course of any audit concluded under this subsection, the Customs Service identifies overpayments of duties or fees or over-declarations of quantities or values that are within the time period and scope of the audit that the Customs Service has defined, then in calculating the loss of revenue or monetary penalties under section 592, the Customs Service shall treat the overpayments or over-declarations on finally liquidated entries as an offset to any underpayments or under-declarations also identified on finally liquidated entries if such overpayments or over-declarations were not made by the person being audited for the purpose of violating any provision of law.

"(B) Nothing in this paragraph shall be construed to authorize a refund not otherwise authorized under section 520."

The CHAIRMAN pro tempore. Pursuant to House Resolution 426, the gentleman from California (Ms. WATERS) and a Member opposed each will control 30 minutes.

The Chair recognizes the gentleman from California (Ms. WATERS).

Ms. WATERS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise to offer this substitute because the legislation, H.R. 3129, as introduced, needlessly expands the scope of Federal authority and threatens the protection of civil rights by granting broad search immunity to customs agents and by allowing warrantless searches of outgoing international U.S. mail.

We have said over and over again that we support efforts to give protection to customs agents; and when they talk to the Members of Congress about their need for protection, they were not in any way saying that they did not have some immunity. What they were saying is they wanted to get through the courts faster.

This bill goes far too far, and it is unfortunate that the majority has not been able to discuss or compromise on the critical issues of racial profiling and privacy that are raised in this legislation.

This substitute does address those civil liberties questions and retains the portion of the bill that fairly addresses issues of border security.

It has been consistently stated by the gentleman from New York (Mr. RANGEL) and others that the existing doctrine of qualified immunity shields public officials performing discretionary functions from civil damages if their conduct does not violate any clearly established statutory or constitutional rights which a reasonable person should have known. The Supreme Court has repeatedly held that the reasonableness of an officer's behavior, not the subjective good-faith standard used in this legislation, is the proper test for liability.

What the Customs Service has complained about is the pace of trial through the Federal courts. Bluntly stated, they want the cases against their agents disposed of faster, like every other civil litigant in the country. This bill's response in section 141 is the creation of a broad category of immunity, unavailable to any other law enforcement officer.

That provision is both unnecessary and dangerous to the rights of the public who deserve their day in court to protect against racial profiling and other illegal and unconstitutional searches by the Customs Service that have been highlighted in recent GAO studies.

It is important to note that the Customs Service has argued that section 141 of this legislation would apply retroactively and result in the dismissal of a host of lawsuits, many of which were brought by African American women, who are contesting the legality of disparate, intrusive searches documented by the GAO. When viewed in that light, this provision looks less like a tool to address terrorism than a broom to sweep away troublesome cases that raise issues of questionable conduct and policy.

The substitute replaces section 141's grant of immunity with an exclusive remedy against the government for the actions of customs agents who act within the scope of their authority. This compromise fairly balances the interest of customs agents who follow policy with the interests of those aggrieved persons who have been the victim of questionable searches.

With respect to privacy interests, the authors of this bill have completely failed to make a case for weakening the legal standard for the search of U.S. mail. Under current law, the Customs Service is empowered to search, without a warrant, inbound mail handled by the United States Postal Service and packages and letters handled by private carriers such as Federal Express and United Parcel Service.

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The Customs Service's interest in confiscating illegal weapons, shipments, drugs, or other contraband inbound or outbound is adequately protected by its ability to secure a search warrant when it has probable cause. Short of an emergency, postal officials can always hold the package while they wait for the court to issue a warrant.

The U.S. Postal Service has even taken the position that there is no evidence that eroding these long-established privacy protections will bring any significant law enforcement improvements over what is achieved using existing statutorily approved law enforcement techniques.

In short, experts from the postal service have determined that this provision is unnecessary. As we search for increased security, we must remain mindful of the fact that our civil lib-

erties are a precious resource, and ensure that freedom is not a casualty.

We believe the Rangel substitute strikes the appropriate balance between civil liberties and security by correcting deficiencies in H.R. 3129 as introduced, because increased security should not come at the cost of our constitutional rights.

Of course, I would urge all of my colleagues to join me in supporting the Rangel substitute.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN pro tempore (Mr. LAHOOD). Is the gentleman from Illinois (Mr. CRANE) opposed to the amendment?

Mr. CRANE. I rise in opposition to the amendment, Mr. Chairman.

The CHAIRMAN pro tempore. The gentleman is recognized.

Mr. CRANE. Mr. Chairman, I yield 4 minutes to the gentleman from Florida (Mr. FOLEY), our distinguished colleague from the Committee on Ways and Means.

Mr. FOLEY. Mr. Chairman, I thank the gentleman for his hard work on this bill. I strongly oppose the substitute and strongly support the base bill.

Are we giving up freedoms and liberties in this bill? Absolutely not. But when we have looked at what has happened in this country since September 11, I think it is incumbent upon us to strengthen the laws of this country and strengthen the rights of our agents to inspect packages that come. We lost a constituent in Palm Beach County through anthrax. We have lost a lot of relatives and family in the World Trade Center, and in the plane that went down in Pennsylvania.

Every time we start looking at tightening our borders and strengthening our integrity and our system, we hear these charges of civil rights abuse and civil rights violations. What about 2,800-and-some Americans who died in New York? What about their civil rights?

We have to protect our borders. This bill does that. I do not mean to be outraged, but I am at times, because I cannot understand, when we are protecting our own borders, when people are coming into this country as our guests, that we do not have the right to search them thoroughly, whether they are U.S. citizens or guests from other nations.

In order to protect domestic tranquility, we must work to focus our efforts to make certain that we do not hamstring our Customs agents, our mail inspectors, from being able to thoroughly search that evidence which may make its way into the country. Ships that come into the ports should be thoroughly screened.

We do this in this bill. We provide the mechanism and means, since we are asking for manifests before the flights and cargo arrive, so we can thoroughly screen it. We are giving \$24 million for Florida and other Gulf Coast seaports.

Florida has already been a leader in the Nation on this issue. This bill will provide technology to continue this work.

We also authorize a very important \$10 million for child cybersmuggling, which gives the money towards the National Center for Missing and Exploited Children for its operation at the child pornography tip line. We strengthen our borders in Mexico and we strengthen our borders in the north, in Canada. We are not targeting any group. We are not racially profiling. We are providing security and protection for the United States citizens of this country.

I suspect there will be acrimony on this debate. This is the first time since 1992 we have reauthorized the U.S. Customs Service, the oldest law enforcement agency in our country. I am certain there are a lot of people having vigorous debates on civil liberties and civil rights. I do not disagree that we have to be careful not to tread on the basic premises of our Constitution.

But we are at war. We have people who have threatened the integrity of this country. We have people who have destroyed the fabric of our communities through fear, intimidation, and through reckless disregard for human life. We have packages that could come in this country that could destroy our ports. So I think we have to be more proactive. I think we have to give them the tools. I think we have to provide for them some legal protection so they can make the appropriate search.

If we are to wait for a court to rule on every package that comes in this country through the U.S. mail service, or by virtue of a person carrying it across our borders, we will forever jeopardize the safety and integrity of this country. The courts do not move that fast, they do not operate that quickly. What we are trying to do is provide a level of protection for our citizens. I think it is high time we do.

I salute the committee for its hard work on this bill, and the chairman, and I salute the many Members that I believe will vote for this, because it provides, finally, the tools I think we need to not only protect our borders, but to protect our people.

Ms. WATERS. Mr. Chairman, I yield 3 minutes to the gentleman from California (Mr. BECERRA).

Mr. BECERRA. Mr. Chairman, I thank the gentlewoman from California, my friend, for yielding time to me.

Mr. Chairman, the substitute is very simple, because for the most part, as I believe most of us have said earlier, this bill is actually a very good bill. It just has two provisions which are heinous, which go against our Constitution. If most Americans would have an opportunity to examine this, they would say that this does not belong here.

The first provision grants an exception to our privacy rights to allow Customs, without ever having to go after a search warrant, without ever having to

show probable cause, to open up American citizens' mail. This is a provision which they could not substantiate. They could not explain why it was so essential.

I think everyone understands why there is that exception for incoming foreign mail into this country. No one would argue that. But when it comes to Americans and the mail we send abroad, why is it so essential that Mrs. JONES' mail to her mother, who happens to live in the Netherlands, has to be opened without having to go through some scrutiny, legal scrutiny, to determine if it is fair or not for Mrs. JONES' mail to be opened without her consent?

We can do it if we just go through the regular course of getting a warrant, showing probable cause to open up Mrs. JONES' mail. But why all of a sudden do we want to be able to have exceptions?

Remember, just 6 months ago, we passed some laws that gave law enforcement much greater authority as a result of trying to deal with terrorism. But to just undo the mechanisms that we have in place to ensure that we are adequately protected from abusive officials does not seem to be right.

The second provision, which again would mostly target African American women, and that is not conjecture, that is a fact. The General Accounting Office in 2000 found that not only are African American women stopped and searched more often, but it is 9 times more often than their counterparts, Anglo or white women counterparts, 9 times more often. Guess what? It also happens to be the case that those African American women are half as likely to contain contraband as white women, American women.

So while the group that is most targeted is least likely to possess contraband, they are the ones who are most targeted. How does that make sense? When one has had their rights violated, rights under the Constitution, why should we not be able to go out there and seek justice, seek redress?

This substitute says you cannot go after monetary damage, but it also does not say forget about the constitutional rights, you also cannot go after that rogue official who went after you.

Most of our officials within Customs are excellent officers. Several have died in the line of duty. I know the person who stopped the suspected terrorist from coming down to Los Angeles and bombing, or rigging bombs at the Los Angeles International Airport, my airport, was a Customs officer in the State of Washington.

They do tremendous work. Why do we have to paint all of them with the broad brush and believe that they are all going to be bad apples or rogue officers and do these bad things? When there is one that does it, why deny us the chance to seek a constitutionally protected right?

Mr. Chairman, I would ask the chairman if he would engage with me in a brief colloquy. I have a concern that

has also been raised as to whether or not this provision, section 141 in the law, is actually retroactive, which would mean that previous bad acts by officials would also be exempted from action if this legislation were to become law.

I guess if we had to pass this, at least let us make it forward-looking, so officers are now on alert.

Mr. Chairman, I would ask the chairman if he would be willing to entertain a brief colloquy. I am concerned that this legislation, as I believe Customs is trying to profess, would be retroactive. But as I read section 141, there is nothing in the provision that says that this will apply to previous conduct of Customs officials. I would hope the chairman would clarify whether or not this law is indeed retroactive.

Mr. CRANE. Mr. Chairman, will the gentleman yield?

Mr. BECERRA. I yield to the gentleman from Illinois.

Mr. CRANE. Mr. Chairman, it is my understanding that it is absolutely not retroactive.

Mr. BECERRA. It is not retroactive. I thank the chairman for that answer, and I reclaim my time.

Mr. Chairman, we need to do everything we can to give our law enforcement men and women the tools they need. This bill does a lot to go that route of giving them the resources, the tools they need.

One of the tools they do not need is the ability to violate the Constitution. One of the tools they do not need is the ability to violate our privacy rights. I don't believe any officer from Customs would stand here and say that is what I want.

I can understand if they are saying we want to have any frivolous lawsuit against our conduct while engaging in the scope of our authority, that that should not be appropriate; that those lawsuits while they were acting in the scope of their authority should not be appropriate. Those frivolous lawsuits, absolutely.

In fact, this substitute has language which, as I said before, would not permit monetary damages against a law enforcement official acting within his scope of authority.

So I would hope that the Members of this body will recognize that this substitute is reasonable, it is sensibly based, and it tries to go after the problem that Customs tried to identify, which completely missed in providing some exceptions to constitutional law which have no place in this good legislation.

I would hope that my colleagues, as they come down, would recognize that. We want to do everything we can to elevate our good officers, but there is no reason to protect the bad apples. I would hope that Members would vote for the substitute.

Mr. CRANE. Mr. Chairman, I yield 7 minutes to our distinguished colleague, the gentleman from Indiana (Mr. SOUDER).

(Mr. SOUDER asked and was given permission to revise and extend his remarks.)

Mr. SOUDER. Mr. Chairman, first let me say that I believe that some of the statements that have been made in the course of this debate, while well-intentioned, have been bordering on outrageous. I would like to correct some of the record.

My particular involvement in this has been as chair of the Subcommittee on Criminal Justice, Drug Policy, and Human Resources in the Committee on Government Reform, where we have authorizing and oversight authority on the drug issues, which has led me into the border issues whenever we talk about drugs.

The reason our subcommittee also has jurisdiction over commerce is it leads us into trade. The reason we have jurisdiction over Justice is it leads us into immigration.

We have held 6 hearings since September 11, 3 on the north border, 3 on the south border, in addition to myself visiting many of these water crossings, as well as staff doing additional border crossings. So far, we have held hearings on the Vermont and upstate New York borders, we have held hearings in the Washington State corridor with Seattle, and in Los Angeles and Long Beach harbors, as well as in San Diego and as well as in Douglas, Arizona, on both borders.

I have also been to relatively obscure sights like Fortuna and Portal, North Dakota, where if you wanted to get a judge to clear something, you would have something in the vicinity of probably 120 miles to go with hardly a tree between there and the judge, where some of these counties only have 2 policemen in the whole county, and where our entire security perimeter is the Customs and the Border Patrol or INS agent at that little station. North Dakota ironically has more crossings with Canada than any other State.

We are totally dependent on our brave personnel at the border to make judgment decisions.

I want to cover a number of things in this, but first let me cover what I believe are some relatively outrageous statements made on the good faith searches.

First off, under this bill, they have to follow the Customs guidelines, which explicitly say never use a person's gender, race, color, religion, or ethnic background as a factor in determining any level of suspicion. That is in the report language. In the bill it says "good faith searches." This defines "good faith searches."

We have heard a lot of statements on the floor that are not accurate. In fact, when I met the officer, Diana Dean, at Port Angeles, who, because of her and 2 other Customs agents, they were able to intercept what was going to be a millenium bomber in Los Angeles, they themselves went outside of existing regulations in pursuit of the terrorist who had fled, because they had to

make a judgment that this person seemed nervous at the border. They decided that the risk was so high that they would risk a lawsuit in order to try to save people's lives in Los Angeles.

The thanks that they get is to imply that somehow they are not going to follow the Customs guidelines in gender-specific or race-specific searches because they saved people's lives. We should not have people on the border who are risking their careers or their livelihoods based on their right to protect us, and we need to work out these types of questions. They did not search somebody's mail, but, in fact, they went in hot pursuit, which was something that had they not done, the terrorist would have escaped. Had we not captured that terrorist, we would not have much of the information on al Qaeda networks that are in Montreal and other places. We would not have been able to put together the schemes.

Every day on every border every Customs agent has to ask himself or herself, what is their priority; is their priority the safety of the citizens they are hired to protect, whether it be the laws of the United States or, in fact, a terrorist?

□ 1515

They have to make a decision, what is the priority. And at every border crossing, north and south, agents have told me that they are concerned about their flexibility and what their guidelines are and that they are inhibited in their ability not to racial profile, but how they are just extra cautious because they believe that without the ability to have good-faith searches and a little more clarity inside the Customs Department to change this. This is not a dramatic change, because, as I said, good faith says they cannot profile on the basis of gender, race, color, religion or ethnic background.

Now let me address another point. One of the big problems we have on the north border is that DC Bud and Quebec Gold are coming across from Canada. In the south border it is heroine and cocaine coming in. In the north border it is also precursor chemicals coming in for methamphetamines.

What goes back out from American citizens the other way or from illegals or citizens of other countries is the money. If we are going to track the money that goes to terrorists and drug cartels around the world, we have to have the ability to, when there is likely suspicion based on good-faith logical efforts, to be able to search in a timely fashion without hesitation because you are making judgment at the border. You have to establish it is a good-faith effort. You have to be able to track the money.

We have lost much of the terrorist networks around the world because we are losing track of the money. And much of that money is coming back from America going out. At the Canadian Parliamentary/U.S. Parliamen-

tary session that we had this past weekend, one of their concerns is that we are slowing at certain borders, and on our side of the border we have slowed down the borders because we are doing so much checking going out. That is because a lot of the problem is not Canadian and it is not Mexican or Central American, it is American citizens who are, in fact, bringing things in and then taking it back out and we have to have some ability to track that money.

Furthermore, one of the big concerns for all the communities, whether it be Southern California or Texas or Arizona or in the north States like Michigan and Indiana and Washington State, for example, a pickup that is made in Fort Wayne will have as many as a hundred border crossings put in the pickup because they basically have 40 percent Canadian parts and about 60 percent U.S.; and the same thing on the reverse of the border. When you have that happen, we cannot be random checking every single person that is going through. Clearly we have to have some form of better intelligence and better screening.

But we also have to have, because of the biggest busts in United States history, whether it be of drugs on the Vermont border, whether it be at Port Angeles where people save many of thousands of lives because they use their judgment as a customs agent, they have to feel that they are making the best judgment. What one of the people at the Vermont border saw was they thought there was something funny on the bottom of a truck because the bottom of the truck, one of the pieces of equipment did not look right. They decided to check this truck. It was the biggest drug haul they ever got at that border.

We depend on the discretion of these brave people on the border to do this. We need to give them some flexibility because they are trying to protect us. They still cannot harass. They still cannot single out based on that. They have to have a logical good-faith suspicion that is there.

I have a full statement I would like to put on the record on the need to reauthorize the Customs Service. I am disappointed that we did not address the overtime question. We are using these people in many cases for 60 hours a week. We are running out of the budget. We need to figure out how we will deal with this. It has been a great privilege and honor to meet so many of them. I think they should be upheld and praised and not criticized.

#### 1. NEED TO REAUTHORIZE AND IMPROVE CUSTOMS SERVICE

H.R. 3129 comes at an extremely critical time. In the wake of September 11, it is clear that we have to improve security at our nation's borders and ports of entry. Numerous threats face us at the borders: terrorism, narcotics smuggling, alien smuggling, weapons smuggling. The key agency in intercepting these threats is the U.S. Customs Service.

Customs has not been reauthorized for many years. While I am personally impressed with the job being done by the men and women at the Customs Service, it is clear that they will need more help. H.R. 3129 addresses many of the problems faced by the Customs Service, and will strengthen it as it meets the new challenges of the 21st century.

#### 2. MANIFEST AUTHORITY

Section 143 of this bill will require all carriers who are entering the U.S., whether on land, by sea, or by air, to provide the Customs Service with advance manifests of their cargo, crew and passengers.

This provision is absolutely critical in our ongoing fight against terrorism, narcotics smuggling, and other illegal contraband. The Customs Service needs to have this information before a truck, ship or airplane reaches our borders and shores. Advance information allows Customs to determine which shipments and which persons need extra scrutiny, based on the level of risk. Customs can't target the riskiest cargo, crew members and passengers if it doesn't know in advance what and who they supposedly are.

Currently, carriers are required to provide some information. The amount of information, however, varies widely depending on where trucks, ships and airplanes are arriving. In enacting this provision, I believe we will help Customs standardize and improve its targeting procedures, thus enhancing our security.

#### 3. ENHANCEMENTS IN STAFFING

Our Subcommittee has been conducting a comprehensive study of law enforcement and security at our nation's borders and ports of entry. We have been very impressed with the job being done by Customs employees at land crossings, sea ports and airports. But it is especially clear after September 11 that they need more help, particularly on the Northern border.

Section 131 of this bill authorized funds to hire 285 additional Customs inspectors for the Northern border. This is a good start in addressing the severe staffing problems faced at many of our ports of entry.

After September 11, Customs went to a heightened state of alert, meaning that Customs inspectors began conducting more inspections and working much longer hours. We have spoken to many Customs inspectors, and nearly all of them are putting in long hours of overtime. This will allow our inspectors to receive fair compensation when a national emergency forces them to put in the kind of hours they had to last fall.

#### 4. IMPROVEMENTS IN TECHNOLOGY

Section 102 of this bill provides for additional equipment and technology for Customs inspections on both the Southern and the Northern borders. At each of the ports of entry we have visited, it has been clear that the experience, dedication and judgment of indi-

vidual inspectors is the most important defense we have against those who would do us harm—like Ahmed Ressam, who was caught trying to smuggle bombs into this country in December 1999 by the alertness of Customs inspectors at Port Angeles, Washington.

However, our inspectors can't do their job if they don't have the right tools, and that means technology. Section 102 authorizes funds for additional equipment and technology at our borders and sea ports. This equipment, including VACIS scanning units, cargo container scanners, and other detection devices, allows Customs inspectors to examine far more trucks and cargo containers than they could manually.

#### 5. AUTOMATED COMMERCIAL ENVIRONMENT (ACE)

Section 101 authorizes funds to continue the development of Customs'; "next generation" computer system, the ACE system. Customs is currently using computer technology that dates back to the mid-1980's. The program is cumbersome, it frequently breaks down, and it simply isn't adaptable to current trade realities. The ACE system will fix these problems and provide the international trade community with a "single window" through which to provide information to all government agencies that regulate and inspect the goods entering the country.

#### 6. IMMUNITY FOR GOOD FAITH SEARCHES

Some people have criticized Section 141, which provides immunity from civil damages for U.S. officials conducting searches at our ports of entry. However, this provision is necessary if our Customs inspectors are going to be able to do the job we're asking them to do. We want our inspectors to be vigilant and thorough in protecting us from terrorists, drug smugglers and others who would do us harm. If so, then we need to give them the assurance that, if they are acting in good faith, they can't be hauled into court.

Ms. WATERS. Mr. Chairman, I yield 1½ minutes to the gentleman from California (Mr. BECERRA).

Mr. BECERRA. Mr. Chairman, I thank the gentlewoman for yielding me time.

Just to respond to my friend, the gentleman from Indiana (Mr. SOUDER), the activities that the gentleman described of customs officials trying to apprehend individuals who were suspects or there was probable cause to believe they were suspects, whether it was contraband or terrorist activities, all that is protected under current law because those officials would have been acting under the color of law and would have had under an objective standard the right to do that because it would have been perceived to be reasonable.

What this legislation does, it removes the objective person's standard of what is reasonable under the Constitution, and says what is subjectively reasonable. So that if the officer said, well, I believed I was reasonable in going after that African American woman and strip searching her because

I thought she might be carrying contraband, we under this legislation could not challenge that. Because so long as he believed he was acting in good faith, however that good faith is defined, because this bill does not define it, you could not go after that person.

This legislation would deny us any recourse, that African American woman, that individual who is innocent, recourse. What the substitute says, and I will yield with the time that I have, the substitute says, okay, let us protect the officers so they do not find themselves in court, but do not make the government free of liability for violations of the Constitution. Make the government clean up its act even if you do not cause individuals in the customs service to face lawsuits individually.

Mr. SOUDER. Mr. Chairman, will the gentleman yield?

Mr. BECERRA. I yield to the gentleman from Indiana.

Mr. SOUDER. Mr. Chairman, the gentleman made a misstatement of fact.

The CHAIRMAN pro tempore (Mr. NETHERCUTT). The time of the gentleman from California has expired.

Mr. CRANE. Mr. Chairman, I yield 1 minute to the gentleman from Indiana (Mr. SOUDER).

Mr. SOUDER. Mr. Chairman, the problem with this standard and, of course, somebody can take it to court if they do not think they filed in good faith, but the fact is that the burden of proof at the time of the actual what is going on at the border, the officer has to make a decision in his mind, not in an outside mind, as to whether it was in good faith. They did at Port Angeles which helped save people in Los Angeles. They made a good-faith effort in what they thought was a good-faith effort. But it intimidates a lot of officers who know if they may think it is a good-faith effort, but somebody outside does not, depending on what that group is and how, it is an inhibiting factor.

They can be sued or you can have a process if you feel it is not good faith in that officer's eyes and he would have to defend that position. It is a question of where the burden is, and you are implying that the customs officers on the border are not capable or we will have rogue officers. If they are rogue officers, they can be pursued. The question is what does the regular officer do and how is it intimidating in our border safety?

Ms. WATERS. Mr. Chairman, I yield myself 1 minute to continue to deal with the question that is before us.

I think the gentleman misunderstands. The fact of the matter is the gentleman from California (Mr. BECERRA) explained that we are not stripping away the protection. They will have immunity from liability. We are taking the liability and placing it in the hands of government rather than on the individual that would have made that decision who thought that it was a reasonable decision at that time.

Mr. Chairman, I yield to the gentleman from California (Mr. BECERRA).

Mr. BECERRA. Mr. Chairman, the further point where the gentleman from Indiana misstates what is current law and what I said, we base it because the Supreme Court has said, not on what the gentleman from Indiana (Mr. SOUDER) believes is reasonable or what I believe is reasonable. It is an objective standard, not a subjective standard.

This bill changes the Supreme Court's law that says you base reasonableness on an objective standard, and it says based reasonableness on what that officer believed was reasonable. And that is not fair because that subjective judgment could cause people's rights to be violated.

Mr. CRANE. Mr. Chairman, I reserve the balance of my time.

Ms. WATERS. Mr. Chairman, I yield 3 minutes to the gentleman from California (Mr. FILNER).

Mr. FILNER. Mr. Chairman, I thank the gentlewoman for yielding me time. I want to thank the gentlewoman from California (Ms. WATERS) and the gentleman from California (Mr. BECERRA) for their strong defense of the liberties of our citizens no matter where they are. And I would say to the gentleman from Indiana (Mr. SOUDER) who has become so expert on what is going on at the border, I was at the border with him in San Diego and I was at those hearings and I did those tours. And there was nothing in those hearings that could lead me to the conclusion that he has stated here in favor of the basic bill.

I represent a border district. I represent the southernmost area of California that borders Mexico. After next year I will represent the whole California/Mexico border. In fact, I represent the border crossing in which there are the most people crossing of any place in the world; and I have represented this area for a decade and a half. So I think I know something about what is going on there and what we can achieve and what we can protect. I think we can do both. We can provide customs with the tools that they need to do their job, and we can protect the constitutional rights of my constituents and citizens from all over this country.

We had a very good bill, I am told, that would have received a large vote in support; but the bill that came to the floor sacrificed privacy under the guise of security, and so we have the Waters substitute, which I am speaking in favor of.

The immunity that is requested has not been really supported by customs. They have not made the case of why the current standard of qualified immunity is insufficient. Officers are already protected from the unwarranted claims as we have heard many times before.

As far as the mail goes, we inspect mail that comes into this country because we do not know what it might

contain. But with the mail going out, our privacy should not be unduly invaded. As we have heard several times, customs can search the mail already if they get a warrant. They can hold the mail if it is suspicious. But we should not authorize a wholesale opening of mail without a warrant.

Mr. Chairman, in these United States of America even in 2002, even after September 11, we should not try to guarantee the security of our Nation by crushing the civil rights of our people. This is not the way to go. Support the substitute. Vote down the basic bill.

Mr. CRANE. Mr. Chairman, I reserve the balance of my time.

Ms. WATERS. Mr. Chairman, how much time do I have remaining?

The CHAIRMAN pro tempore. The gentlewoman from California (Ms. WATERS) controls 14 minutes. The gentleman from Illinois (Mr. CRANE) controls 18 minutes.

Ms. WATERS. Mr. Chairman, I yield 4 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

(Ms. JACKSON-LEE of Texas asked and was given permission to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Chairman, I was very pleased to hear the dialogue and debate with the gentleman from California (Mr. BECERRA) and the distinguished gentleman from Indiana (Mr. SOUDER), but I think the more we can clarify what this substitute does we might be able to get legislation that all of us could support. It is a simple process. Those of us who live every day as Americans but also have a history of discrimination by this Nation against us are very sensitive to laws that would undermine even more those basic rights. It is our cause, if you will, our particular duty to bring to this House our diverse perspective, and that is to understand what it means to racially profile young African American males, young African American women, young Hispanic men and women and others of diverse racial backgrounds.

What we say today is that this is not an indictment of customs agents. As all of us have, we have excellent and outstanding customs agents working throughout our Nation in every one of our districts. As I go through the Intercontinental Airport in Houston, Texas, every day, I see the fine work of men and women of the Customs Service. We promote and support them.

As a member of the Committee on the Judiciary, we are constantly looking for ways to enhance and provide them with the resources that they need. Let us divide ourselves with that kind of negative attack which is trying to be drawn to those of us who are now speaking about civil liberties.

It is clear and simple. The substitute is not a complicated initiative. It says this: "Remain in current law with respect to the search of mail; require a warrant, a simple probable cause." That is not a difficult proposition. Might I say that most of us are not get-

ting mail timely anyhow. This is not a comment on the U.S. Postal Service. It is not a comment on the U.S. Postal Service. It is a comment on the status of mail today because of necessary security precautions. We accept that. With that in mind, ample opportunity is given to those who believe there is need to search mail. I welcome them searching mail, but they can do it under current law and that is what the substitute provides.

□ 1530

Secondarily, with respect to the Customs agents, there is no chilling effect. Do the job. If someone determines suspiciousness, I give that person 100 percent latitude to do so. The question becomes those who willy-nilly want to seek persons who have no basis upon being sought, there is no suspiciousness, other than color of their skin, and what the substitute provides for us, which I cannot find a reason to divide on this, it protects the Customs agents 100 percent. It tells them to do their job.

If, however, an aggrieved citizen or person comes and says I know that I was targeted on the basis of not good faith, but on racial profiling, the government stands in the shoes of that agent, protects the agent, but then gives the opportunity of the aggrieved citizen to be able to seek address of their grievances.

That is the key to the substitute. Why this could not be supported by my colleagues on both sides of the aisle, to make this the kind of legislation that speaks to what we are trying to do, not a single divide on fighting terrorism but a recognition that the values of this Nation are different.

Let me finally say, Mr. Chairman, and I have said this before, we have a lot of work to do on fighting terrorism, and part of it is in the question of intelligence and sharing intelligence. It is a shame and a sham that there is a closed session dealing with this by 1 committee when other committees of jurisdiction, such as the Committee on Judiciary, have not yet held hearings regarding this important issue.

I believe if we spend our time trying to track why intelligence and memoranda is not shared up the track or up the line so that we can determine how to fix those problems, I think we can spend a lot of good energies doing that, and in this instance, I think we can spend good energies passing a good substitute to make this bill better so that we can fight terrorism in a unified voice but as well stand for the values that this Nation stands for.

Mr. Chairman, I support the substitute. I would ask my colleagues to do so, and I would ask my colleagues to join me in asking that we investigate fully why memos are not communicated that deal with protecting this Nation and providing good intelligence.

Mr. CRANE. Mr. Chairman, I yield myself such time as I may consume.

I would say to the gentlewoman on the other side of the aisle the fact that

none of our colleagues on the Committee on Ways and Means raised this issue during consideration of this bill in committee and the amendment, Rangel amendment.

Mr. Chairman, I reserve the balance of my time.

Ms. WATERS. Mr. Chairman, I yield 3 minutes to the gentleman from California (Mr. WAXMAN).

Mr. WAXMAN. Mr. Chairman, I am here to urge support for the Rangel substitute which would strike, among other things, section 144 from the bill.

As the ranking member of the committee that has jurisdiction over the Postal Service, I am especially concerned about section 144. This section would allow Customs agents to inspect outbound mail without a search warrant.

Never in our Nation's history have we allowed law enforcement to inspect the outbound personal letters of our Nation's citizens without a search warrant. This is an intrusion on the privacy of the American citizens sending letters abroad, and it could have adverse effects on the delivery of letters by the Postal Service.

As many of my colleagues have heard, the American Civil Liberties Union opposes the measure, saying it violates people's expectation of privacy in the mail and that the Customs Service's interest in protecting our borders is adequately protected by its ability to secure a search warrant.

A leading association of business mailers is concerned about the provision as well, saying it would slow the pace of mail and add millions to the cost of shipping goods overseas.

The Postal Service is strongly opposed to the provision. They say it would have a detrimental impact on their ability to move mail and could jeopardize their international express mail service.

Not only is this provision troubling from a civil liberties standpoint and the standpoint of mail delivery, it may also violate our commitment under international mail treaties. In addition, it contradicts section 3623 of title XXXIX which prohibits inspection of certain classes of mail without a search warrant. The provision does not amend title XXXIX and instead would create a statutory conflict.

The Customs Service has full authority to search outbound mail now as long as it first obtains a search warrant. Customs argues that this requirement creates too much of a burden for them and that they need broader search authority. It may be that the Customs Service needs this authority, but the Committee on Ways and Means has never held a hearing on this issue to explore why this authority is needed or its impact on civil liberties, and the Committee on Government Reform, which has jurisdiction over the Postal Service, has not had an opportunity to examine this issue at all despite its impacts on the Postal Service.

These are serious concerns that need to be explored. We should not approve

this unprecedented authority until the Committee on Ways and Means and the Committee on Government Reform have had an opportunity to examine the issue very, very carefully. I urge my colleagues to vote for the Rangel substitute and give us an opportunity to explore these concerns.

Ms. JACKSON-LEE of Texas. Mr. Chairman, will the gentleman yield?

Mr. WAXMAN. I yield to the gentleman from Texas.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the gentleman from California (Mr. WAXMAN) for bringing that to our attention, and I have just been informed that the Democratic members of the Committee on Ways and Means raised some of those concerns under the gentleman's jurisdiction in committee and even tried to offer amendments. So I thank the gentleman very much for bringing this to the floor at this time.

Mr. WAXMAN. Mr. Chairman, reclaiming my time, well, they might have raised concerns and offered amendments, but the committee that has jurisdiction over the Postal Service did not have a chance to examine it nor did the Committee on Ways and Means, as far as I know, hold hearings on the matter which would have brought in expert testimony.

Mr. CRANE. Mr. Chairman, I reserve the balance of my time.

Ms. WATERS. Mr. Chairman, I have no more speakers. I reserve the balance of my time.

The CHAIRMAN pro tempore (Mr. NETHERCUTT). The gentleman from Illinois (Mr. CRANE) has the right to close.

Ms. WATERS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I thought we had the right to close.

The Rangel amendment, the substitute states that Customs inspectors are not liable for civil damages for suits brought in connection with a personal search. However, the bill does state that the U.S. Government consents to be sued and to be held liable for civil damages for suits brought in connection with the wrongful personal search. I think it is necessary for me to say that because I think there is some confusion about what this amendment does.

Before I talk about this amendment any more, I think it is important for me to clarify that there are many good things in this bill. This bill includes good legislation, all of which we include in the substitute. This bill includes important authorization for appropriations such as providing Customs with funding above the administration's request and equals that provided in the appropriations process.

Most of the increased funding allows for an authorization of \$308 million for each fiscal year to ensure that the Customs automation system will be developed in a timely fashion, providing USTR with more than requested by the administration and providing the International Trade Commission with

its full fiscal year request. The bill also authorizes such sums as needed to reestablish New York Customs headquarters and operations.

Finally, the bill authorizes \$1.3 million for Customs to hire additional personnel to assist ATOA beneficiaries to comply with visa and textile transshipment requirements.

The bill also includes provisions that will help ensure the safety of our borders, including requiring all carriers to file an electronic manifest describing passengers and cargo before entering the country.

So I do not want anyone to get the idea that somehow because we have a substitute that we have ignored those parts of the bill that we think are good, but we think that it is very important for us not to jump on the bandwagon of undermining the civil liberties of American citizens in the name of fighting terrorism. We believe in fighting terrorism, but we do not believe that we undermine or waive the Constitution of the United States to do so.

Let me just say that our Customs agents have all of the authority that they need to do the searches that they want to do, that they are protected with qualified liability, and they do not need to have this bill which, in fact, goes far beyond anything that they have requested.

Let me remind the Members of this Congress that with this authority, with this protection, we do expect our agents to be careful and to be reasonable. They have the ability to strip-search. My colleagues heard the GAO study. We are not making this up. The GAO study talked about the fact that African American women are searched much more than other women. It talked about the fact that African American women have much less contraband, despite the fact they are searched more.

While there are those who are willing to throw out the Constitution, I suspect they are only willing to do it until their wife comes through, or their sister, or their neighbor or their friend, and is strip-searched in ways that they cannot believe is reasonable.

Let me just say that this bill will transfer the liability from the individual agents to the government where it belongs. There are many people who work for government and are agents of the government of the United States and they do not have to accept the liability, that it is on the shoulders of the government of the United States, and that is the way that it should be.

I think that the case has been made here today. I think that these issues were brought up in committee. We see the dissenting views of those who signed a letter indicating their dissenting views, and I would say that not only has the case been made but that the Members of the Congress of the United States should not go throw out the Constitution of the United States in an effort to deal with terrorism.



Mr. Chairman, I yield the balance of the time to the gentleman from Michigan (Mr. CONYERS), the ranking member of the Committee on the Judiciary.

Mr. CONYERS. Mr. Chairman, how much time remains?

The CHAIRMAN pro tempore. The gentleman from Michigan (Mr. CONYERS) is recognized for the last 2 minutes on the debate of the gentleman's time.

(Mr. CONYERS asked and was given permission to revise and extend his remarks.)

Mr. CONYERS. Mr. Chairman, I thank the gentlewoman from California (Ms. WATERS) for yielding me the time, and I compliment her on her statement.

When H.R. 3129 came to the floor on suspension last December and here again today, we argued that the legislation introduced needlessly expanded the scope of Federal authority and threatened the protection of civil rights by granting search immunity to Customs agents so broad and by allowing warrantless searches of outgoing international U.S. mail, that the measure was unacceptable.

In defeating the legislation, we reiterated our commitment to aggressively investigating and preventing future terrorist attacks and agreed to work with the majority to improve the legislation, but, unfortunately, the majority has not been open to discussion and compromise on the critical issues of racial profiling and privacy that are raised by this legislation. Why? Although the Rangel substitute addresses those civil liberty questions and retains the portion of the bill that reasonably and fairly addresses the issues of border security.

Meetings between staff and the Customs Service have clarified the Customs immunity question and proven that the section 141 immunity provision is unnecessary. Although Customs failed to document the specific cases, they disclosed, and we are unaware of any case where a Customs agent, acting within the scope of his authority, has been subject to prejudgment attachment of their personal assets in any kind of a trial that followed.

When H.R. 3129 came to the floor on suspension last December and again here today, we have argued that the legislation as introduced needlessly expanded the scope of federal authority and threatened the protection of civil rights by granting broad search immunity to customs agents and by allowing warrantless searches of outgoing international U.S. mail. In defeating the legislation, we reiterated our commitment aggressively investigating and preventing future terrorist attacks and agreed to work with the majority to improve the legislation.

It is truly unfortunate that the majority has not been open to discussion and compromise on the critical issues of racial profiling and privacy that are raised by this legislation. We believe that the Rangel substitute addresses those civil liberty questions and retains the portion of the bill that fairly addresses issues of border security.

Meetings between staff and the Customs Service have clarified the customs immunity question and proven the fact that the Section 141 immunity provision is unnecessary. Although Customs failed to document the specific cases, they disclosed and we are unaware of any case where a Customs agent, acting within the scope of their authority, has been subject to a pre-judgment attachment of their personal assets or judgement of any kind following a trial.

As we have consistently stated, the existing doctrine of qualified immunity shields public officials performing discretionary functions from civil damages if their conduct does not violate clearly established statutory or constitutional rights of which a reasonable person should have known. The Supreme Court has repeatedly held that the reasonableness of an officer's behavior, not the subjective "good faith" standard used in this legislation, is the proper test for liability.

What the Custom's Service has complained about is the pace of trial through the federal courts. Bluntly stated, they want the cases against their

AGENTS DISPOSED OF FASTER, LIKE EVERY OTHER CIVIL LITIGANT IN THE COUNTRY. THIS BILL'S RESPONSE IN SECTION 141 IS THE CREATION OF A BROAD CATEGORY OF IMMUNITY, UNAVAILABLE TO ANY OTHER LAW ENFORCEMENT OFFICER.

That provision is both unnecessary and dangerous to the rights of the public, who deserve their day in court to protect against racial profiling and other illegal and unconstitutional searches by the Customs Service that have been highlighted in recent GAO studies.

It is important to note that the Custom's Service has argued that Section 141 of this legislation would apply retroactively and result in the dismissal of a host of lawsuits, many of which were brought by African-American women who are contesting the legality of disparate intrusive searches documented by the GAO. When viewed in that light, this provision looks less like a tool to address terrorism than a broom to sweep away troublesome cases that raise issues of questionable conduct and policy.

The substitute replaces Section 141's grant of immunity with an exclusive remedy against the government for the actions of Customs agents who act within the scope of their authority. This compromise fairly balances the interests of Customs agents, who follow policy, with the interests of those aggrieved persons who have been the victim of questionable searches.

With respect to privacy interests, the authors of this bill have completely failed to make a case for weakening the legal standard for the search U.S. mail. Under current law, the Customs Service is empowered to search, without a warrant, inbound mail handled by the United States Postal Service and packages and letters handled by private carriers such as Federal Express and the United Parcel Service.

The Customs Service's interest in confiscating illegal weapons' shipments, drugs or other contraband inbound or outbound is adequately protected by its ability to secure a search warrant when it has probable cause. Short of an emergency, postal officials can always hold a package while they wait for a court to issue a warrant.

The U.S. Postal Service has even taken the position that "There is no evidence that erod-

ing these long established privacy protections will bring any significant law enforcement improvements over what is achieved using existing, statutorily approved law enforcement techniques." In short, experts from the Postal Service have determined that this provision is unnecessary.

As we search for increased national security, we must remain mindful of the fact that our civil liberties are a precious resource and ensure that freedom is not a casualty of vigilance. We believe that the Rangel substitute strikes the appropriate balance between civil liberties and security by correcting deficiencies in H.R. 3129 as introduced. Because increased security should not come at the cost of our constitutional rights, I urge you to join me in supporting the substitute.

Mr. CRANE. Mr. Chairman, I yield myself such time as I may consume.

My bill would provide Customs with new, necessary search tools in light of America's new security needs while balancing the need for privacy.

The Rangel substitute guts some key provisions. By striking the outbound mail provision, the Rangel substitute allows continued money-laundering to occur. The Rangel immunity provision leaves the Federal Government open to a new class of torts. My bill protects only those inspectors who act in good faith.

Under my bill the government can be sued under the Federal Torts Claims Act.

Mr. Chairman, I urge a no vote on the Rangel substitute and a yes vote on H.R. 3129.

Mr. Chairman, I yield back the balance of my time.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, I rise in support of the Rangel Amendment to H.R. 3129, the Customs Border Security Act of 2001.

As a Member of Congress, and as an African American, I cannot tolerate the practice of stopping and searching American citizens for no reason other than their race. As I studied H.R. 3129 that is what I feared would happen.

As I thought about this issue, I realized that the words that went to the core of this issue had been written over two centuries ago, and could be found within one of the documents sitting on my desk—The Constitution of the United States. For the Constitution's Preamble states: "We, the people of the United States, in order to form a more perfect Union, establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America."

Let me repeat the key phrases that are critical to this issue: "We, the people of the United States . . . establish justice, insure domestic tranquility, do ordain and establish this Constitution."

The attitude demonstrated by too many law enforcement officers must change from inaccurately resuming the guilt of people of color. This is the least that our Constitution requires of them.

H.R. 3129 is bad for America's citizens. However, the Rangel Amendment addresses the core concern of Customs: that Customs inspectors are not personally liable for monetary

damages in civil suits involving personal searches; the amendment also ensures that there is recourse for potential abuses of civil rights by providing recourse against the U.S. government.

Section 141 of the bill provides immunity to a Customs officer conducting a search of a person or property provided he or she was acting in "good faith."

The term "good faith" is not defined in the bill. An officer could engage in blatantly discriminatory conduct, but if he in "good faith" believes that he was justified in doing so, he could not be held liable.

Customs officers are already entitled to qualified immunity that protects them from unwarranted claims related to illegal and unconstitutional searches.

This bill would expand immunity so as to make it nearly impossible for a person seeking redress for an unconstitutional search.

No law enforcement official is entitled to this broad grant of immunity and the Customs Office, which has a documented history of racial profiling, should not be an exception to the qualified immunity standard. Given that Congress has recently expanded the police powers of government officials, it should not at the same time cut back on the mechanisms in existing law that are designed to ensure police powers are not abused.

It is our duty to breathe life into the words that protect every American Citizen, no matter the color of their skin. We must remember Dr. Martin Luther King's words: "Injustice anywhere is a threat to justice everywhere."

I urge my colleagues to vote against H.R. 3129 and support the Rangel Amendment.

□ 1545

The CHAIRMAN pro tempore (Mr. NETHERCUTT). All time has expired.

The question is on the amendment in the nature of a substitute offered by the gentlewoman from California (Ms. WATERS).

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

#### RECORDED VOTE

Ms. WATERS. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 197, noes 231, not voting 6, as follows:

[Roll No. 192]

AYES—197

Abercrombie	Capps	Dooley
Ackerman	Capuano	Doyle
Allen	Cardin	Edwards
Andrews	Carson (IN)	Engel
Baca	Clay	Eshoo
Baird	Clayton	Etheridge
Baldacci	Clement	Evans
Baldwin	Clyburn	Farr
Barrett	Condit	Fattah
Becerra	Conyers	Filner
Bentsen	Costello	Flake
Berkley	Coyne	Ford
Berman	Crowley	Frank
Berry	Cummings	Frost
Bishop	Davis (CA)	Gephardt
Blagojevich	Davis (FL)	Gonzalez
Blumenauer	Davis (IL)	Gordon
Bonior	DeFazio	Green (TX)
Borski	DeGette	Gutierrez
Boswell	Delahunt	Hall (OH)
Boucher	DeLauro	Harman
Brady (PA)	Dicks	Hastings (FL)
Brown (FL)	Dingell	Hill
Brown (OH)	Doggett	Hilliard

Hinchey	McDermott	Roybal-Allard
Hinojosa	McGovern	Rush
Hoefel	McIntyre	Sabo
Holt	McKinney	Sanchez
Honda	McNulty	Sanders
Hoolley	Meehan	Sandlin
Hoyer	Meek (FL)	Sawyer
Inslee	Meeks (NY)	Schakowsky
Israel	Menendez	Schiff
Jackson (IL)	Millender-McDonald	Scott
Jackson-Lee (TX)	Miller, George	Serrano
Jefferson	Mink	Sherman
John	Mollohan	Skelton
Johnson, E. B.	Moore	Slaughter
Jones (OH)	Moran (VA)	Smith (WA)
Kanjorski	Morella	Snyder
Kaptur	Murtha	Solis
Kennedy (RI)	Nadler	Spratt
Kildee	Napolitano	Stark
Kilpatrick	Neal	Strickland
Kind (WI)	Tanner	Stupak
Klecza	Obey	Tauscher
Kucinich	Oliver	Thompson (CA)
LaFalce	Ortiz	Thompson (MS)
Lampson	Ottner	Thurman
Langevin	Owens	Tierney
Lantos	Pallone	Towns
Larsen (WA)	Pascarell	Udall (CO)
Larson (CT)	Pastor	Udall (NM)
Lee	Paul	Velazquez
Levin	Payne	Visclosky
Lewis (GA)	Pelosi	Waters
Lofgren	Pomeroy	Watson (CA)
Lowe	Price (NC)	Watt (NC)
Lynch	Rahall	Waxman
Maloney (NY)	Rangel	Weiner
Markey	Reyes	Wexler
Matheson	Rivers	Woolsey
Matsui	Rodriguez	Wu
McCarthy (MO)	Rohrabacher	Wynn
McCarthy (NY)	Ross	
McCollum	Rothman	

NOES—231

Aderholt	Dreier	Johnson, Sam
Akin	Duncan	Jones (NC)
Armey	Dunn	Keller
Bachus	Ehlers	Kelly
Baker	Ehrlich	Kennedy (MN)
Ballenger	English	Kerns
Barcia	Everett	King (NY)
Barr	Ferguson	Kingston
Bartlett	Fletcher	Kirk
Barton	Foley	Knollenberg
Bass	Forbes	Kolbe
Bereuter	Fossella	LaHood
Biggart	Frelinghuysen	Latham
Bilirakis	Galleghy	LaTourette
Blunt	Ganske	Leach
Boehert	Gekas	Lewis (CA)
Boehner	Gibbons	Lewis (KY)
Bonilla	Gilchrest	Linder
Bono	Gillmor	Lipinski
Boozman	Gilman	LoBiondo
Boyd	Goode	Lucas (KY)
Brady (TX)	Goodlatte	Lucas (OK)
Brown (SC)	Goss	Luther
Bryant	Graham	Maloney (CT)
Burr	Granger	Manzullo
Buyer	Graves	McCrery
Callahan	Green (WI)	McHugh
Calvert	Greenwood	McInnis
Camp	Grucci	McKeon
Cannon	Gutknecht	Mica
Cantor	Hall (TX)	Miller, Dan
Capito	Hansen	Miller, Gary
Carson (OK)	Hart	Miller, Jeff
Castle	Hastings (WA)	Moran (KS)
Chabot	Hayes	Myrick
Chambliss	Hayworth	Nethercutt
Coble	Hefley	Ney
Collins	Herger	Northup
Combest	Hilleary	Norwood
Cooksey	Hobson	Nussle
Cox	Hoekstra	Osborne
Cramer	Holden	Ose
Crane	Horn	Oxley
Crenshaw	Hostettler	Pence
Cubin	Houghton	Peterson (MN)
Culberson	Hulshof	Peterson (PA)
Cunningham	Hunter	Petri
Davis, Jo Ann	Hyde	Phelps
Davis, Tom	Isakson	Pickering
Deal	Issa	Pitts
DeLay	Istook	Platts
DeMint	Jenkins	Pombo
Diaz-Balart	Johnson (CT)	Portman
Doolittle	Johnson (IL)	Pryce (OH)

Putnam	Shays	Thomas
Quinn	Sherwood	Thornberry
Radanovich	Shimkus	Thune
Ramstad	Shows	Tiahrt
Regula	Shuster	Tiberi
Rehberg	Simmons	Toomey
Reynolds	Simpson	Turner
Riley	Skeen	Upton
Roemer	Smith (MI)	Vitter
Rogers (KY)	Smith (NJ)	Walden
Rogers (MI)	Smith (TX)	Walsh
Ros-Lehtinen	Souder	Wamp
Roukema	Stearns	Watkins (OK)
Royce	Stenholm	Weldon (FL)
Ryan (WI)	Stump	Weldon (PA)
Ryan (KS)	Sullivan	Weller
Saxton	Sununu	Whitfield
Schaffer	Sweeney	Wicker
Schrock	Tancredo	Wilson (NM)
Sensenbrenner	Tauzin	Wilson (SC)
Sessions	Taylor (MS)	Wolf
Shadegg	Taylor (NC)	Young (AK)
Shaw	Terry	Young (FL)

NOT VOTING—6

Burton	Emerson	Trafficant
Deutsch	Mascara	Watts (OK)

□ 1609

Mrs. JOHNSON of Connecticut and Messrs. YOUNG of Alaska, SHERWOOD, SKEEN, WELLER, BACHUS, LUTHER, and GILMAN changed their vote from "aye" to "no."

Ms. MCCARTHY of Missouri, Ms. HOOLEY of Oregon and Mr. DAVIS of Florida changed their vote from "no" to "aye."

So the amendment in the nature of a substitute was rejected.

The result of the vote was announced as above recorded.

#### PERSONAL EXPLANATION

Mr. WATTS of Oklahoma. Mr. Speaker, I was unavoidably detained in my district and missed Recorded Votes on Wednesday, May 22, 2002. I would like the RECORD to reflect that, had I been present, I would have cast the following votes:

On agreeing to H. Res. 427, rollcall vote No. 186, I would have voted "yea;"

On approving the Journal, rollcall vote No. 187, I would have voted "yea;"

On agreeing to H. Res. 426, rollcall vote No. 188, I would have voted "yea;"

On agreeing to the Conference Report, rollcall vote No. 189, I would have voted "yea;"

On Passage of H.R. 3717, rollcall vote No. 190, I would have voted "yea;"

On Passage of H. Res. 424, rollcall vote No. 191, I would have voted "yea;"

On Agreeing to the Waters Amendment, rollcall vote No. 192, I would have voted "nay."

The CHAIRMAN pro tempore (Mr. NETHERCUTT). The question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN pro tempore. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. LAHOOD) having assumed the chair, Mr. NETHERCUTT, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 3129) to authorize appropriations for fiscal years

2002 and 2003 for the United States Customs Service for antiterrorism, drug interdiction, and other operations, for the Office of the United States Trade Representative, for the United States International Trade Commission, and for other purposes, pursuant to House Resolution 426, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on the amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

#### RECORDED VOTE

Mr. THOMAS. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 327, noes 101, not voting 6, as follows:

[Roll No. 193]

AYES—327

Ackerman	Callahan	Edwards
Aderholt	Calvert	Ehlers
Akin	Camp	Ehrlich
Allen	Cannon	English
Andrews	Cantor	Eshoo
Armey	Capito	Etheridge
Bachus	Capps	Everett
Baird	Cardin	Ferguson
Baker	Carson (OK)	Fletcher
Baldacci	Castle	Foley
Ballenger	Chabot	Forbes
Barcia	Chambliss	Fossella
Barr	Clement	Frelinghuysen
Bartlett	Coble	Galleghy
Barton	Collins	Ganske
Bass	Combest	Gekas
Bentsen	Cooksey	Gibbons
Bereuter	Costello	Gilchrest
Berkley	Cox	Gillmor
Berman	Cramer	Gilman
Berry	Crane	Goode
Biggert	Crenshaw	Goodlatte
Bilirakis	Crowley	Gordon
Bishop	Cubin	Goss
Blagojevich	Culberson	Graham
Blunt	Cunningham	Granger
Boehrlert	Davis (CA)	Graves
Boehner	Davis (FL)	Green (TX)
Bonilla	Davis, Jo Ann	Green (WI)
Bonior	Davis, Tom	Greenwood
Bono	Deal	Grucci
Boozman	DeFazio	Gutknecht
Borski	DeLay	Hall (OH)
Boswell	DeMint	Hall (TX)
Boucher	Diaz-Balart	Hansen
Boyd	Dicks	Harman
Brady (TX)	Dingell	Hart
Brown (FL)	Dooley	Hastings (WA)
Brown (SC)	Doolittle	Hayes
Bryant	Doyle	Hayworth
Burr	Dreier	Hefley
Buyer	Dunn	

Herger	McCollum	Sensenbrenner
Hilleary	McCrery	Sessions
Hinchey	McHugh	Shadegg
Hinojosa	McInnis	Shaw
Hobson	McIntyre	Shays
Hoefl	McKeon	Sherman
Hoekstra	McNulty	Sherwood
Holden	Meek (FL)	Shimkus
Hoolley	Mica	Shows
Horn	Miller, Dan	Shuster
Hostettler	Miller, Gary	Simmons
Houghton	Miller, Jeff	Simpson
Hoyer	Moore	Skeen
Hulshof	Moran (KS)	Skelton
Hunter	Moran (VA)	Slaughter
Hyde	Morella	Smith (MI)
Isakson	Murtha	Smith (NJ)
Israel	Myrick	Smith (TX)
Issa	Nethercutt	Smith (WA)
Istook	Ney	Snyder
Jenkins	Northup	Souder
John	Norwood	Spratt
Johnson (CT)	Nussle	Stearns
Johnson (IL)	Obey	Stenholm
Johnson, E. B.	Ortiz	Stump
Johnson, Sam	Osborne	Stupak
Jones (NC)	Ose	Sullivan
Kanjorski	Oxley	Sununu
Kaptur	Pence	Sweeney
Keller	Peterson (MN)	Tancredo
Kelly	Peterson (PA)	Tanner
Kennedy (MN)	Petri	Tauscher
Kennedy (RI)	Phelps	Tauzin
Kerns	Pickering	Taylor (MS)
Kildee	Pitts	Taylor (NC)
Kind (WI)	Platts	Terry
King (NY)	Pombo	Thomas
Kingston	Pomeroy	Thompson (CA)
Kirk	Portman	Thornberry
Knollenberg	Price (NC)	Thune
Kolbe	Pryce (OH)	Thurman
LaFalce	Putnam	Tiahrt
LaHood	Quinn	Tiberi
Lampson	Radanovich	Toomey
Langevin	Ramstad	Turner
Lantos	Regula	Udall (CO)
Larsen (WA)	Rehberg	Upton
Latham	Reyes	Vitter
LaTourette	Reynolds	Walden
Leach	Riley	Walsh
Levin	Roemer	Wamp
Lewis (CA)	Rogers (KY)	Watkins (OK)
Lewis (KY)	Rogers (MI)	Watts (OK)
Linder	Rohrabacher	Waxman
Lipinski	Ros-Lehtinen	Weiner
LoBiondo	Ross	Weidon (FL)
Lowe	Rothman	Weldon (PA)
Lucas (KY)	Roukema	Weller
Lucas (OK)	Royce	Wexler
Luther	Ryan (WI)	Whitfield
Lynch	Ryun (KS)	Wicker
Maloney (CT)	Sanders	Wilson (NM)
Manzullo	Sandlin	Wilson (SC)
Matheson	Saxton	Wolf
Matsui	Schaffer	Wu
McCarthy (MO)	Schiff	Young (AK)
McCarthy (NY)	Schrock	Young (FL)

#### NOES—101

Abercrombie	Frank	Millender-McDonald
Baca	Gephardt	Miller, George
Baldwin	Gonzalez	Mink
Barrett	Gutierrez	Mollohan
Becerra	Hastings (FL)	Nadler
Blumenauer	Hill	Napolitano
Brady (PA)	Hilliard	Neal
Brown (OH)	Holt	Oberstar
Capuano	Honda	Olver
Carson (IN)	Inslee	Otter
Clay	Jackson (IL)	Owens
Clayton	Jackson-Lee	Pallone
Clyburn	(TX)	Pascarell
Condit	Jefferson	Pastor
Conyers	Jones (OH)	Paul
Coyne	Kilpatrick	Payne
Cummings	Kleczka	Pelosi
Davis (IL)	Kucinich	Rahall
DeGette	Larson (CT)	Rangel
Delahunt	Lee	Rivers
DeLauro	Lewis (GA)	Rodriguez
Doggett	Lofgren	Roybal-Allard
Duncan	Maloney (NY)	Rush
Engel	Markey	Sabo
Evans	McGovern	Sanchez
Farr	McKinney	Sawyer
Fattah	Meehan	Schakowsky
Finer	Meeks (NY)	Scott
Flake	Menendez	Serrano
Ford		

Solis	Towns	Watson (CA)
Stark	Udall (NM)	Watt (NC)
Strickland	Velazquez	Woolsey
Thompson (MS)	Visclosky	Wynn
Tierney	Waters	

#### NOT VOTING—6

Burton	Emerson	McDermott
Deutsch	Mascara	Trafficant

□ 1629

Messrs. SAWYER, RAHALL and HOLT changed their vote from “aye” to “no.”

So the bill was passed.

The result of the vote was announced as above recorded.

The title of the bill was amended so as to read: “A bill to authorize appropriations for fiscal years 2002 through 2004 for the United States Custom Service for antiterrorism, drug interdiction, and other operations, for the Office of the United States Trade Representative, for the United States International Trade Commission, and for other purposes.”

A motion to reconsider was laid on the table.

#### GENERAL LEAVE

Mr. THOMAS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 3129.

The SPEAKER pro tempore (Mr. LAHOOD). Is there objection to the request of the gentleman from California?

There was no objection.

□ 1630

#### REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 877

Mr. WYNN. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 877.

The SPEAKER pro tempore (Mr. THORNBERRY). Is there objection to the request of the gentleman from Maryland?

There was no objection.

#### PROVIDING FOR CONSIDERATION OF H.R. 4775, 2002 SUPPLEMENTAL APPROPRIATIONS ACT FOR FURTHER RECOVERY FROM AND RESPONSE TO TERRORIST ATTACKS ON THE UNITED STATES

Mr. SESSIONS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 428 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 428

*Resolved*, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 4775) making supplemental appropriations for further recovery from and response to terrorist attacks on the United States for the fiscal year

ending September 30, 2002, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. After general debate the bill shall be considered for amendment under the five-minute rule. The amendments printed in the report of the Committee on Rules accompanying this resolution shall be considered as adopted in the House and in the Committee of the Whole. All points of order against provisions in the bill, as amended, are waived except as follows: page 4, lines 18 through 23; page 57, line 6, through page 58, line 22; page 92, lines 3 through 5. During consideration of the bill for further amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII. Amendments so printed shall be considered as read. During consideration of the bill, points of order against amendments for failure to comply with clause 2(e) of rule XXI are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill, as amended, to the House with such further amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 2. (a) Pending the adoption of a concurrent resolution on the budget for fiscal year 2003, the provisions of House Concurrent Resolution 353, as adopted by the House, shall have force and effect in the House as though Congress has adopted such concurrent resolution.

(b) The chairman of the Committee on the Budget shall submit for printing in the Congressional Record—

(1) the allocations contemplated by section 302(a) of the Congressional Budget Act of 1974, which shall be considered to be such allocations under a concurrent resolution on the budget;

(2) "Accounts Identified for Advance Appropriations," which shall be considered to be the programs, projects, activities, or accounts referred to section 301(b) of House Concurrent Resolution 353; and

(3) an estimated unified surplus, which shall be considered to be the estimated unified surplus set forth in the report of the Committee on the Budget accompanying House Concurrent Resolution 353 referred to in section 211 of such concurrent resolution.

(c) The allocation referred to in section 231(d) of House Concurrent Resolution 353 shall be considered to be the corresponding allocation among those submitted by the chairman of the Committee on the Budget under subsection (b)(1).

The SPEAKER pro tempore. The gentleman from Texas (Mr. SESSIONS) is recognized for 1 hour.

Mr. SESSIONS. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Texas (Mr. FROST), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, the resolution before us is an open rule that provides for consideration of H.R. 4775, the Supple-

mental Appropriations bill for fiscal year 2002. The rule provides for 1 hour of general debate, and it waives all points of order against consideration of the bill. Additionally, amendments printed in the Committee on Rules report shall be considered as adopted in the House and in the Committee of the Whole.

This rule also contains a very important deeming provision as we move into the appropriations season, and it is important that we address this. Upon passage of this resolution, the rule provides that House Concurrent Resolution 353, as adopted by the House, shall have force and effect as though adopted by Congress. Finally, the rule provides for one motion to recommit, with or without instructions.

Mr. Speaker, today we are considering the emergency supplemental appropriations bill for fiscal year 2002. This wartime supplemental comes 8 months after the September 11 attacks against our Nation. While Americans have begun the process of healing and recovery, we must be mindful of the threats that continue to face our Nation. The alerts and intelligence reports that we receive are constant reminders that the war against terrorism is far from over.

After last September, America responded by fortifying our homeland and launching an aggressive global war on terrorism. Mr. Speaker, this wartime supplemental is absolutely critical to our continued ability to fight and win this war.

There are a number of important provisions in this bill, but none more important than the funds that will go towards helping America win this war on terrorism, both abroad and at home. The bill provides \$15.77 billion for the Department of Defense. This money will go towards ongoing military operation costs, personnel costs, and costs associated with forced mobilization. Fighting the war is expensive, and this effort is no exception. However, I believe that the American people are united in their support for making sure that our military has the necessary resources to carry out its mission of insuring our national security. In short, we need to help our President to make sure that our military and the men and women who are dealing not only in law enforcement, but also our military, have the necessary elements to win.

Mr. Speaker, with the frequent announcement of possible terrorist attacks, many Americans are dealing with a sense of fear about our future. I want to emphasize that this bill addresses this uncertainty about the future and will hopefully help to instill confidence in people.

Priorities and funding have been given to allow our intelligence operations to track, analyze, and prosecute global terrorist threats against the United States and our allies. With the \$1.5 billion included in the supplemental, intelligence funding has increased to record levels since Sep-

tember 11. This bill also provides funds to improve the Federal Bureau of Investigation's technology systems. These additional funds will enhance the FBI's overall counterterrorism and intelligence processing capabilities, allowing for better electronic sharing of information between Federal, State, and local law enforcement agencies.

In addition to protecting our national security, this wartime supplemental also provides funds to help secure our homeland.

One area of particular attention since September 11 has been Immigration and Naturalization, the INS Service, and its operations. In March 2002, the INS mailed a letter to a Florida flight school informing them that Mohammed Atta and another hijacker had been approved for student visas. Needless to say, many still-shaken Americans were very concerned when this news came out.

The supplemental builds on what Congress has already done to address this issue, and provides additional money to the INS to help them better account for individuals who have committed immigration violations and who have not followed orders to leave this country.

Since last September, a number of changes have been implemented to improve safety at our airports. For those of us who fly frequently, these changes can take some getting used to. I must confess that I too have been pulled out of the line and searched from head to toe on more than one occasion.

However, these safety changes are necessary to restore confidence in our airlines. Americans should be further assured because this bill provides additional funds for checking baggage, explosive inspection systems, as well as baggage screening and security enhancement at United States commercial ports. Other initiatives targeted at improving our homeland security include funds for secure transportation of nuclear weapons and materials, as well as money for the increased security at nuclear weapons facilities.

After the September 11 attacks, this Congress acted with expediency to pass a \$40 billion emergency supplemental for recovery and to fight the war on terror. Today, we build upon our past efforts and continue to remember those who lost their lives in New York, Pennsylvania, and here in Washington, D.C. As our President has committed, and I quote our President, "We will direct every resource at our command, every means of diplomacy, every instrument of law enforcement, every financial influence, and every necessary weapon of war to the destruction and to the defeat of the global terror network."

This shared commitment means that we will continue to provide and fund whatever is necessary to winning the war on terrorism.

Yet this bill also advocates for fiscal discipline and restraint in other areas. On March 20 of this year, the House passed its budget resolution, H. Con.

Res. 353. However, the absence of a budget resolution conference report makes it necessary for us to consider language that would deem the House-passed budget resolution to be a conference report. In effect, this language would bind the House to the spending and revenue levels established in the budget resolution, and the corresponding 302(a) allocations, and any related rulemaking provisions.

This language is necessary both to establish parameters on discretionary spending and to implement such mandatory initiatives accommodated in the budget resolution such as a prescription drug benefit under Medicare, concurrent receipt of military retirement and veterans disability benefits, and a new tax benefit for charitable giving.

I want to take a minute to remind my colleagues that this House-passed budget was a carefully crafted bill that balanced our priorities of winning the war and securing our economic and personal security. From providing the largest increase in 20 years to the national defense to growing our economy and paying down the debt, this wartime budget makes America safer, the economy stronger, and secures the future for every single American.

I am pleased that the measure that is before us today recognizes the critical needs associated with our continued war effort, while maintaining our commitment to fiscal discipline. I urge my colleagues to support this open rule and the underlying legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. FROST. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, last week, congressional Republicans were caught using a September 11 Presidential photo as a fund-raising prop for their political campaigns. It was a particularly shameless sparing of political war profiteering, one that did an immense disservice to the President, as well as to the country. Unfortunately, Republican leaders have not learned their lesson, and they are trying to do it again today by confusing the public with this rule.

So let me speak very plainly about the question posed by the vote on the rule today. If we want to increase America's national debt and write a blank check to keep raiding the Social Security trust fund, then vote "yes" on this rule. If, on the other hand, we believe we should be honest with the American people and sit down together to work out a bipartisan plan to stop raiding Social Security, then vote "no" on this rule. That will force the Republican leaders to stop playing politics with the war, and then we can overwhelmingly pass a bipartisan emergency spending bill crafted by the Committee on Appropriations.

Under this rule, the Republican leadership attempts to sneak through a provision paving the way for raising the debt ceiling, without a straight up-

or-down vote on the issue. They are attempting to shield their weak-kneed Members from having to vote on putting us deep in debt. They want to put billions of dollars on the national credit card, without each putting the credit card through the credit card reader. They do not want a telltale receipt for their spending spree.

Make no mistake, Mr. Speaker. The Committee on Appropriations has written a good bill that reflects our bipartisan support for national defense and homeland security. It is true that many Democrats believe we should do a lot more for homeland security, but the bill does provide substantial resources for priorities like safeguarding nuclear facilities in airports. Additionally, it provides more than the President requested for the Department of Defense, most of it for Operation Enduring Freedom, and the Committee on Appropriations has provided \$200 million for antiterrorism aid to Israel in its time of need.

Mr. Speaker, the gentleman from Wisconsin (Mr. OBEY), the ranking member of the Committee on Appropriations, and the gentleman from Florida (Mr. YOUNG), the chairman of the committee, deserve credit for their good work. Unfortunately, the Republican leaders do not hold in high regard such work, so they have overruled the Committee on Appropriations chairman and have crafted a rule that shatters the spirit of bipartisanship and the underlying bill. It is a rule that uses the war on terrorism as cover to take care of as many Republican political problems as they can think of.

For example, last year some Republican Members were criticized at home for siding with the Republican leadership on the fast track trade authority bill, despite the fact that it was harmful to people in their districts. So today, the Republican leadership is using this rule to provide them a textile provision that they can claim is their reward.

Here is another example, Mr. Speaker. A couple of Republican Members would benefit from a provision in the rule that would increase Medicare reimbursement rates for doctors and hospitals in their particular districts. That might be a good thing, but it would cost doctors and hospitals in every other district in the country. In other words, it helps only a very small fraction of the country and does it at the expense of everyone else. So it requires careful consideration in the light of day, not a procedural trick on a wartime appropriations bill.

As I explained at the beginning, Mr. Speaker, the most important issues hidden in this bill are Social Security and the national debt. The economic plan Republicans passed last year created massive, long-term deficits that threatened Social Security; and now, not even 18 months after President Bush inherited historic budget surpluses, this administration says the Federal Government has to borrow

hundreds of billions of dollars more and put our children deeper into debt.

Democrats have repeatedly tried to sit down with the Republicans to work out a bipartisan solution to this threat to Social Security. Instead, just last night, in the Committee on Rules, four of the most fiscally conservative Members of the House, the gentleman from Texas (Mr. STENHOLM), the gentleman from Kansas (Mr. MOORE), the gentleman from Florida (Mr. DAVIS), and the gentleman from South Carolina (Mr. SPRATT), offered yet another approach to restore fiscal responsibility, but were denied by the Republican leadership.

That is because the Republican leadership is deathly afraid that Americans will notice how much of the Social Security trust fund they are squandering under the programs. After all, the key to the secret Republican plan to privatize Social Security is to keep it sacred until after the elections. So instead of allowing a vote on the Bush administration's request to go deeper into debt, Republican leaders have hidden in this rule legislative language that will allow them to do it in the secrecy of a conference committee without a straight up-or-down vote on the floor of the House.

□ 1645

This is just plain dishonest, Mr. Speaker. But it makes the vote on the rule very simple, because it means that Republican leaders have made the vote on this rule a vote to increase America's national debts and keep raiding Social Security.

So if Members believe that the American people deserve an open debate and a straight up-or-down vote on the future of Social Security, vote against the rule. Then we can give the underlying supplemental appropriations bill the overwhelming bipartisan vote it deserves.

Mr. Speaker, I reserve the balance of my time.

Mr. SESSIONS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, one of the greatest parts about the rule that we are doing here today, is it is an open rule. We can stand up on the floor of the House and talk about whatever we want to talk about. We are not trying to sneak anything through. We are doing it right out in the open.

The light of day will be the best disinfectant, and that is why this debate is so powerful, because the truth can be told. We are going to tell the truth about this supplemental, because it is all about helping the United States and our military and men and women who are in law enforcement get the money that they need to keep this country going, and to make sure that we win this war. That is what this is all about.

Mr. Speaker, I yield 5 minutes to the gentleman from Mobile, Alabama (Mr. CALLAHAN).

Mr. CALLAHAN. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, the gentleman from Texas (Mr. SESSIONS) is a great American, especially since he knew in advance that I was rising in opposition for the first time in my 18 years in Congress against a Republican rule before this House.

I do it out of principle and I do it in all good faith, not to be critical of the Committee on Rules, not to be critical of their goals, but to express some concerns that I have that I think are very important, and that is aid to Israel.

For Israel in this bill, suddenly, in the middle of the night, in the Committee on Appropriations, without any encouragement from Prime Minister Sharon, without any encouragement from Chairman Arafat, within the Beltway some decided that we ought to give Israel \$200 million in economic support, and give Mr. Arafat's area \$50 million in economic support.

But to bring some history to the House, to ask Members to reflect back to 1997 when Prime Minister Netanyahu came before this very body, stood right in front of the Speaker and told this body that it was time for Israel to wean themselves of American economic support because their economy was better than ours. When Mr. Netanyahu said that, I immediately arranged a trip. I sat down with Mr. Netanyahu. I sat down with him, just the 2 of us. We worked out a process to wean Israel of all economic support, because they said it was no longer needed.

Along with that, at the same time we were giving Mr. Mubarak in Egypt a proportional sum of money. Two-thirds of whatever Israel got, Egypt got; not necessarily good foreign policy, but that was the policy that has been in effect since Camp David.

So I went to Cairo and I talked to President Mubarak, and he, too, agreed that Egypt would be reduced, just as Israel was, provided that Israel did not come in the back door and try to bump up their economic support without considering Egypt.

So I went before the Committee on Rules and asked for an opportunity to present this amendment to this body, on this bill, to give the proportional amount of money to Egypt, but I was for some reason denied.

But at the same time, some of the other areas Members of Congress wanted to be considered, such as the wage indexing problem in Pennsylvania with respect to Medicare reimbursement. It is also a problem in another 30 States. Yet, somehow or another, in this bill a self-executing rule says that Pennsylvania's problems will be resolved, but no other State will be resolved, so we will be left out in the cold on the indexing of Medicare payments to hospitals in the State of Alabama. Why they would give them that and not give me this simple opportunity to present an amendment for an up-or-down vote is beyond comprehension.

I also am upset about the deeming resolution, an unnecessary provision

that is placed in this bill for the first time that I can ever recollect since the Republicans have been in charge, an unnecessary provision that is going to cause havoc and chaos as we go through the appropriation process in the next several months.

So with that, Mr. Speaker, for the first time, I think I am going to have to vote against this rule. I am not lobbying people to vote against it, but I am just expressing my own consternation, my own fears, my own principles.

I am going to offer amendments as we go through the bill to strike all of the aid to Israel that was included here without any request from Israel, without any request from the administration, without any requests from anybody. But someone within this beltway decided since we were going to have a supplemental bill, they were going to get some pork in it for Israel.

It is wrong to do that in this bill at this time. We will have a foreign operations bill on this floor in the next couple of weeks. That would be the appropriate time to address any economic support increase for Israel, not in an emergency supplemental bill. It was not included in the President's request, and it was not even requested by the government of Israel. It is the wrong thing to be doing.

Many Members know in their hearts that I am right, but they feel politically they cannot vote for it. I know in my heart that I am not going to win my amendments, but I am going to give people an opportunity to at least vote to see whether or not we ought to be doling out foreign aid in this emergency supplemental bill.

Mr. FROST. Mr. Speaker, I yield 5 minutes to the gentleman from Wisconsin (Mr. OBEY), the ranking member of the Committee on Appropriations.

Mr. OBEY. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, we all come here individually as politicians, and as we are assigned committees, as we develop expertise on substance, we become legislators, rather than mere politicians.

On the Committee on Appropriations, I think it is safe to say that we can take people with the most extreme ideological differences, and if we send them out in the field to examine a problem, when they come back to this Chamber, 8 times out of 10 they will probably have the same ideas about how to deal with the problem. That is what happens in a legislative body when we have the normal course of give-and-take and the normal willingness to compromise.

That is not just true of the Committee on Appropriations; it is supposed to happen on every other committee in the Congress. That is what is supposed to turn us into what we have been called when we have been called "the greatest legislative, deliberative body in the world."

But we have fallen a far, far pace from that on this bill. At least 6 times on major legislation, on patients' pro-

tection, the energy bill, the Airline Security Act, the Patriot Act, the pension reform, and welfare-to-work, each time, rather than running these bills through the committee process and accepting the committee result, we have seen the majority party leadership instead dictate a different result and dictate that a different package be brought to the floor. We are seeing the same thing here.

We had a bipartisan bill which was the product of 6 weeks of hard work between the 2 parties on the Committee on Appropriations. Then when the committee went into full committee, a number of amendments were adopted. Some of them I did not like, but with the exception of the DeLay amendment, which gave the President the authority to engage in a military attack on The Netherlands, I basically had no real problem with what the committee did.

But then it went to the Committee on Rules, and the instructions came down from on high that a number of extraneous items should be added to the bill. The first was that the House would deem that the budget resolution brought out by the Committee on the Budget months ago would be deemed now in effect.

That produces for discretionary funding in the next fiscal year a level \$10 billion below the level being spent this fiscal year.

In the end, any knowledgeable Member of this House on either side of the aisle, and most especially knowledgeable Members on the Committee on Appropriations, understands that that is not deliverable.

I do not believe that we will find a majority of votes on either side of the aisle for the education bill, for instance, that would be produced as a result of those limitations because I do not believe either party is going to cut President Bush's education budget. But that is what it requires.

But the biggest outrage of all is this: We have in this rule a proposition which will allow seemingly innocuous language to be added, which is really the door-opener in order to raise the national debt, the limit on the national indebtedness, the limit on the Nation's credit card, by \$750 billion.

The plan is to have the Senate insert increased debt, and then have it come back here wrapped in a package so that no Member ever has to actually vote on that freestanding item. Yet they will force an increase in the Nation's credit card debt.

□ 1700

And this proposition is being brought to us by a lot of the same people for the last year that have been parading all over this floor, talking about how they were going to support a constitutional amendment. This is a copy of H.J. Res. 86. There are 110 Republican sponsors on this resolution to require that not a dime of additional debt could be added without having a three-



fifths vote of this House. Yet today this would facilitate raising the debt without individual Members having to stand up and take the heat for that vote. And if you take a look at the people who are listed on it, I would ask all of them how they can justify putting their names on this resolution and telling their constituents that they are against raising the debt without a full firm vote on it and then engaging in this sleight of hand.

This resolution is sponsored by people like the gentleman from Texas (Mr. DELAY); the gentleman from Virginia (Mr. GOODE); the gentlewoman from Kentucky (Mrs. NORTHUP); the gentleman from Wisconsin (Mr. RYAN), my own State; and a variety of others. I would ask each and every one of them, how can you justify going to your constituents and saying you are going pass this constitutional amendment and then you flip-flop and come back here and do this?

I do not think this process does a credit to the House, and I do not think it is a real process. I think it delays delivering money to the Pentagon that we need to get to the Pentagon in order to reimburse them for the costs of the war.

This day, if we proceed to pass this rule, will not go down as one of the glory days in the history of the House.

BILL SUMMARY AND STATUS FOR THE 107TH CONGRESS

#### COSPONSORS, ALPHABETICAL

Bachus, Spencer	Akin, W. Todd
Barr, Bob	Baker, Richard H.
Barton, Joe	Bartlett, Roscoe G.
Bilirakis, Michael	Bass, Charles F.
Blunt, Roy	
Bono, Mary	Boehner, John A.
Brady, Kevin	Boozman, John
Bryant, Ed	Brown, Henry E., Jr.
Calvert, Ken	Burton, Dan
Cantor, Eric	Cannon, Chris
Chabot, Steve	Castle, Michael N.
Combest, Larry	Chambliss, Saxby
Crane, Philip M.	
Culberson, John Abney	Crenshaw, Ander
Davis, Jo Ann	Deal, Nathan
Dunn, Jennifer	DeMint, Jim
English, Phil	Duncan, John J., Jr.
Forbes, J. Randy	
Gekas, George W.	Fletcher, Ernest L.
Goodlatte, Bob	Ganske, Greg
Graves, Sam	Graham, Lindsey O.
	Gutknecht, Gil
Hart, Melissa A.	Hansen, James V.
Hayworth, J.D.	Hastings, Doc
Herger, Wally	Hefley, Joel
Hoekstra, Peter	Hilleary, Van
Isakson, Johnny	Horn, Stephen
Jenkins, William L.	Issa, Darrell E.
Johnson, Sam	
Keller, Ric	Jones, Walter B., Jr.
Kerns, Brian D.	Kennedy Mark R.
Kirk, Mark Steven	LaTourette, Steve C.
Lewis, Ron	Linder, John
Lucas, Frank D.	Manzullo, Donald A.
McCrey, Jim	McKeon, Howard P. (Buck)
Myrick, Sue	Miller, Jeff
Nussle, Jim	Norwood, Charlie
Ose, Doug	Osborne, Tom
Pence, Mike	Otter, C. L. (Butch)
Pitts, Joseph R.	Platts, Todd Russell
Pombo, Richard W.	Pryce, Deborah
Radanovich, George P.	Rohrabacher, Dana
Rehberg, Dennis R.	Ryan, Paul
Royce, Edward R.	Schaffer, Bob
Ryun, Jim	Sessions, Pete
Schrock, Edward L.	Shuster, Bill
Shimkus, John	Simpson, Michael K.
Simmons, Rob	
Stearns, Cliff	Terry, Lee

#### COSPONSORS, ALPHABETICAL—Continued

Sullivan, John R.	Tiberi, Patrick J.
Tancredo, Thomas G.	Walden, Greg
Thune, John R.	Weller, Jerry
Toomey, Patrick J.	Wilson, Joe

Mr. SESSIONS. Mr. Speaker, I yield such time as he may consume to the gentleman from San Dimas, California, (Mr. DREIER), the chairman of the Committee on Rules.

Mr. DREIER. Mr. Speaker, I thank my friend for yielding me time, and I congratulate him on his management of this rule.

This is obviously a great challenge. It is important to note that this rule is for consideration of a wartime supplemental appropriations bill. The gentleman from Florida (Mr. YOUNG) described this before our Republican conference yesterday very appropriately as a wartime supplemental appropriations bill.

What has happened in the last 24 hours? We have seen an increased threat of terrorism. We have seen instability in a wide range of areas in the world; and this administration is, I believe, doing the best job possible to deal with this. The President months ago asked for a supplemental appropriations bill that would provide Israel with the resources necessary.

Now, a number of people who have been speaking against this have talked about some other issues. Let us remember, 99 percent, Mr. Speaker, of this legislation deals with supplemental appropriations for our war efforts. Now, we have heard talk about what some have said is an unprecedented use of the deeming process. Well, my Democratic colleagues had something known as the Gephardt amendment which regularly deemed an automatic increase in the debt ceiling. We, in the past several years, have had three occasions, had a deeming of the budget, of parts of the budget before. So I think it is very important to note that this is a very challenging time.

We are dealing with a situation which will begin here and then move to a joint House/Senate conference. My friend, the gentleman from Alabama (Mr. CALLAHAN), raised the issue of Egypt. We know that this administration is determined to do everything that it possibly can to bring about peace and stability in the Middle East. It is a challenge. Administrations in the past have tried and failed. But we know under the stellar leadership of President Bush, Vice President Cheney, the National Security Advisor, Dr. Rice and Colin Powell and Donald Rumsfeld, that we have a wonderful team working on this. That is why I believe it is important for us to provide the support the administration wants. And, yes, he is right that the administration did not make the additional request for aid to Israel, but there is no indication that the President would not be supportive of what is taking place here, because we clearly stand by our ally, the State of Israel, the one

democratically elected government in the region.

What I am saying, Mr. Speaker, is that I believe we need to realize that our number one priority is to win the war on terrorism. And to do that, as the President and others have said, we have to have the resources necessary to win that war. And that is why every Member of this House should vote in favor of this rule and in favor of the supplemental appropriations bill.

Mr. FROST. Mr. Speaker, I yield myself 30 seconds.

I listened to the gentleman from California (Mr. DREIER). If we really wanted to help the war effort, strip all this extraneous nonsense out of the bill, strip all of these baubles that they are trying to use to buy votes on the other side on Medicare and trade and all this other stuff and just do a supplemental that provides the money to fight the war. That is all you need to do.

Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. RANGEL).

Mr. RANGEL. Mr. Speaker, what the gentleman from California (Mr. DREIER) said is that we are at war and the Committee on Rules has now usurped all the responsibilities of the standing committee. It really makes no difference what the Committee on Appropriations wants to do, what the Committee on International Relations wants to do, the Committee on the Budget, the Committee on Ways and Means. The President of the United States and the chairman of the Committee on Rules, they will decide what is the best for this great country and for the Congress.

Imagine that in this appropriation we have issues that we hold sacred in the Committee on Ways and Means. That is the budget ceiling where we debate among each other as to what it is going to be. But instead of just coming out and saying that the Committee on Rules has decided that we have got to raise the debt ceiling, instead of doing that, what do you put in here?

Again, you wave the flag and say that the Committee on Rules has dictated that the Government of the United States will take all steps necessary to guarantee the full faith and credit of the government.

Is this gobbledygook? Is this patriotism or is this stealing the jurisdiction of another committee? What you mean to say is we will find some sneaky way to get the debt ceiling increase by passing a nothing rule over here and allowing the Senate to take our jurisdiction and to bring it back, wrap it up in the flag and dare someone during wartime to vote against it.

What is the next thing he is going to do? Oh, the Committee on Rules now knows how to handle Medicare. Not the Committee on Energy and Commerce, not the Committee on Ways and Means, not the House. What you have decided is there are certain hospitals in

Republican districts that are in trouble, and you are going to give them assistance at the expense of other hospitals. Is it in here? Yes.

Lastly, you are going to violate trade agreements in the rule. Shame on you.

Mr. SESSIONS. Mr. Speaker, I yield 2 minutes to the gentleman from Columbus, Indiana (Mr. PENCE).

(Mr. PENCE asked and was given permission to revise and extend his remarks.)

Mr. PENCE. Mr. Speaker, I thank the gentleman for yielding me time and for his strong leadership on this rule which will bring before the Congress today a critical piece of legislation, a supplemental appropriations bill for a Nation that is at war.

The President of the United States comes to this Congress and asks for supplemental assistance, and this Congress provides it today: \$15.7 billion in national defense, \$5.8 billion in homeland security. And, Mr. Speaker, we commit ourselves in this rule and in this measure to live within our means as a Congress. In the months ahead as we consider appropriations, we commit ourselves to the budget resolution that has been passed by the so-named deeming elements of this rule.

These are the priorities of the Nation, Mr. Speaker: a national defense and prosecuting the war, homeland defense as we hear recriminations and discussions of what was done and what not done prior to September 11. The American people want us to respond in this Congress to these needs, and they want us to live within our means and to practice the fiscal discipline for which this majority is so rightly celebrated.

Lastly, Mr. Speaker, there has been talk about the \$200 million for Israel. I, being one of the Members who have called upon the leadership and urged the leadership despite the lack of the call for the administration to add to these funds, I see them as perfectly appropriate to a defense supplemental bill: 493 Israelis have been killed since September of 2000; 3,955 wounded. Israel has spent \$255 million in their front in this war on terrorism in the third and fourth week of Operation Defensive Shield alone.

America must stand by Israel in her darkest hour. Let us do no less than those we remember on this Memorial Day. Let us do our duty.

Mr. FROST. Mr. Speaker, I yield 1 minute to the gentleman from Missouri (Mr. GEPHARDT), the Democratic leader.

(Mr. GEPHARDT asked and was given permission to revise and extend his remarks.)

Mr. GEPHARDT. Mr. Speaker, I rise to urge Members to vote "no" against this rule.

Over 1 year ago, Republicans passed an economic plan. They said at the time that their plan would generate economic growth, protect the surplus that we built up in the 1990s, and safeguard Social Security. Republicans en-

acted a giant tax bill for the wealthy, while promising that there would be enough room in the budget for Social Security, education, Medicare prescription drugs, and the defense of the United States of America.

Today, Republicans are making it clear that they are refusing to confront the consequences of their economic plan.

This rule is an outrage. It places full faith and credit language in the bill to avoid a desperate request by the President's Secretary of the Treasury to bail the administration out of the economic folly of their own making. It hides the fact that Republicans took a record surplus, turned it into a huge and mounting deficit, and put Social Security in jeopardy. It makes a mockery of the Republican rhetoric to safeguard the trust fund. It makes a mockery of the Republican votes to create a lockbox. It ignores and it weakens our intergenerational contract and commitment in the 21st century.

Instead, Republicans refuse to work with Democrats. They deny debate on a plan the gentleman from Kansas (Mr. MOORE) and the gentleman from South Carolina (Mr. SPRATT) sought to offer. That plan provides a way out of spending the Social Security surplus. It puts Social Security first, not last. It is sensible. It is responsible. It is the right thing to do for the American people.

Republicans did not give it one second of time on this floor today. They are silencing the voices of the American people on the future of Social Security. Now is not the time to give the Federal Government carte blanche to run up the debt. Our economic future is at stake. People's retirement security is on the line. We ought to be talking today about a 1-month extension of the debt limit. We ought to be coming back here in the next month to talk about how to fix this problem. We ought to have a budget summit between the President and the bipartisan Congress to find out how we can write a budget that is in tune with the changed circumstances that we have faced since September 11. We need to bring both parties and the President to the table, and we need the parties to work together. We need communication. We need collaboration to put our fiscal house back in order, to save Social Security first and today.

The American people deserve a comprehensive, fair debate on Social Security. So I hope Members will vote "no" on this rule, and I hope Members in both parties would decide to vote "no" on this rule.

I can tell you that every family who lost somebody on September 11 has been around the dining room table trying to figure out a new budget because of their changed circumstances. Well, America had a tragedy on September 11, and, as a family, we ought to be sitting around the table in respect and honesty to work out a new budget for this country. We cannot do that through gag rules that silence the

voices of the American people on this side of the aisle. Vote "no" against this rule.

□ 1715

Mr. SESSIONS. Mr. Speaker, I yield myself such time as I may consume.

Evidently we have failed to communicate this openly to all Members. This is an open rule. This is an open rule for any Member of Congress, including the gentleman from Missouri (Mr. GEPHARDT), to offer any sort of amendment that he would like to. This is no gag rule. This is no sham. This is no trick. By presenting an open rule, it means that both sides are presented an equal opportunity to present their case.

There has been a lot said today about Social Security. The fact of the matter is that there is a part of this rule that says, "The United States Government shall take all steps necessary to guarantee the full faith and credit of the government." That is what we are trying to do.

We are trying to make sure that this supplemental bill has an opportunity to be debated under an open rule today to where we have an opportunity to pass this bill and to where we can engage the other body, the Senate, which is controlled by the other party, the other body who controls that, to where we can work together as Republicans, as Democrats, with the President of the United States.

The fact of the matter is the song is always the same. The bottom line is that for years a clear majority of Democrats have been opposed to funding the military, and that is exactly the same way it is today. This is about funding our military. This is about a wartime budget. This is about trying to make sure that we win the war.

I know where the opposition comes from. We hear it over and over and over again.

Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. CUNNINGHAM).

#### PARLIAMENTARY INQUIRY

Mr. TAYLOR of Mississippi. Mr. Speaker, parliamentary inquiry.

The SPEAKER pro tempore (Mr. THORNBERRY). Does the gentleman from Texas (Mr. SESSIONS) yield for a parliamentary inquiry?

Mr. SESSIONS. Mr. Speaker, I do not.

The SPEAKER pro tempore. The gentleman from California (Mr. CUNNINGHAM) is recognized for 2 minutes.

Mr. TAYLOR of Mississippi. Mr. Speaker, I am under the impression that the Chair has to yield for a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman from California (Mr. CUNNINGHAM) has been recognized for 2 minutes.

#### POINT OF ORDER

Mr. TAYLOR of Mississippi. Mr. Speaker, I make a point of order on that.

The SPEAKER pro tempore. The gentleman from Mississippi will state his point of order.

Mr. TAYLOR of Mississippi. Mr. Speaker, that I believe a parliamentary inquiry has precedence over that.

The SPEAKER pro tempore. The Chair would respond to the gentleman that the gentleman from Texas (Mr. SESSIONS) had yielded 2 minutes to the gentleman from California (Mr. CUNNINGHAM). The gentleman from California had the floor. The gentleman from Mississippi was not yielded to for the purpose of a parliamentary inquiry. The floor belonged to the gentleman from California who has been recognized for 2 minutes.

Mr. CUNNINGHAM. Mr. Speaker, I had not planned on speaking but the minority leader came to the floor, and he talked about Social Security trust fund safeguards, tax breaks for the rich, Social Security, Medicare, prescription drugs.

Let me remind my colleagues that not a single Democrat economic package went forward when President Clinton was President. None of my colleagues' policies went forward. We passed them to create a surplus by welfare reform, by tax relief, by stimulus packages, whatsoever. Matter of fact, in 1993, the Democrats, when they had the entire majority of the House, the Senate and the White House, increased the tax on the middle class. They took every dime out of the Social Security trust fund. They increased Social Security taxes. They cut military COLAs and veterans' COLAs. So do not tell me about saving Social Security.

I have been waiting for this debate. I have in my office the leadership of the Democrat party, since every one of them have been here, the number of times that they have voted to cut the Social Security trust fund, which I am going to submit. So do not talk to us about cutting the Social Security trust fund. It is just rhetoric.

#### PARLIAMENTARY INQUIRY

Mr. TAYLOR of Mississippi. Parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his inquiry.

Mr. TAYLOR of Mississippi. Mr. Speaker, my parliamentary inquiry, would the open rule the gentleman from Texas (Mr. SESSIONS) makes reference to allow me to offer an amendment that would remove the language that allows this bill to raise the debt limit?

The SPEAKER pro tempore. The Chair is unable to deliver an anticipatory ruling on what may later occur in Committee of the Whole if the gentleman were to attempt or any Member would attempt to offer certain amendments.

Mr. TAYLOR of Mississippi. Mr. Speaker, further parliamentary inquiry.

The SPEAKER pro tempore. Gentleman will state his inquiry.

Mr. TAYLOR of Mississippi. Mr. Speaker, it would be my understanding that an open rule would allow me to offer any amendment that I wish to keep the Republican majority from

raising the debt limit and plunging us more than \$6 trillion in debt.

The SPEAKER pro tempore. The Chair is unable to construe the resolution which the House is debating at this time. That is a proper subject for debate among Members.

Mr. TAYLOR of Mississippi. Mr. Speaker, further parliamentary inquiry.

The SPEAKER pro tempore. The gentleman may state it.

Mr. TAYLOR of Mississippi. Mr. Speaker, when the Chair is construing whether or not a Member can offer an amendment, is that in itself limiting the rules of the House and, therefore, not an open rule?

The SPEAKER pro tempore. There is a difference in the Chair interpreting or construing a resolution which the House has already adopted and the Chair giving an interpretation of a resolution which is currently under consideration and the subject of debate in the House.

Mr. TAYLOR of Mississippi. Mr. Speaker, further parliamentary inquiry.

The SPEAKER pro tempore. The gentleman may state it.

Mr. TAYLOR of Mississippi. Mr. Speaker, if I may understand, the passage of this rule would indeed prohibit me or any other Member of this House from offering an amendment that would keep us from raising the debt limit. Does that not in itself constitute a restrictive rule?

The SPEAKER pro tempore. The Chair would respond that the Chair has already answered the gentleman's question. The Chair is not in a position to construe or characterize resolutions which are currently pending before the body.

Mr. TAYLOR of Mississippi. Mr. Speaker, who would be in a position to construe that?

The SPEAKER pro tempore. As the Chair has previously stated, that is a proper subject of debate when debating the resolution.

Mr. FROST. Mr. Speaker, I yield myself 15 seconds.

Under the rule pending, the gentleman from Texas (Mr. STENHOLM) and the gentleman from Kansas (Mr. MOORE) would not have the opportunity to offer their amendment that has previously been described on the debt ceiling. That is fact. This is not an open rule. They would be prevented from offering their amendment.

Mr. Speaker, I yield 2 minutes to the gentleman from California (Ms. PELOSI).

Ms. PELOSI. Mr. Speaker, I thank the gentleman from Texas (Mr. FROST) for yielding me the time.

Mr. Speaker, I rise in opposition to this rule because it takes another giant step, a big step in the Republican march toward fiscal recklessness that has characterized their performance in the 107th Congress. The majority has done everything possible to hide, hide from the American people the fact that

this rule allows the second largest increase in the Nation's debt limit ever.

The Republican tax cut has already driven the Nation back into deficit spending. As a result, every penny of this back-door increase in the debt limit will come from the Social Security and Medicare trust funds.

We all agree, Mr. Speaker, that additional resources are needed to meet our Nation's defense and homeland security needs. We all support that, Democrat and Republican alike.

As the senior Democrat on the Permanent Select Committee on Intelligence, I understand full well the investments that are necessary for a strong response to the ongoing terrorist threat must be met. However, I must say shame on the Republican majority for hiding their raising of the debt limit and their raid on Social Security and Medicare behind our legitimate need to protect our forces and to protect our country.

It is possible to fight terrorism and put forth a fiscally responsible budget, but the Republican leadership has failed to do so. Again and again we have heard excuses from the majority that they attempt to explain the dramatic shift from surpluses to deficits and the raid on Social Security and Medicare trust funds that has resulted. A wartime budget, a recession, forecast errors, the list goes on. The question remains, where is the plan to get us out of this mess? Why should we sign a blank check to pay for the Republican tax cut by raiding Social Security and Medicare?

Last year, the majority said they had an economic plan that would pay down the maximum amount of debt possible and promise to protect the entire Social Security surplus. Today, they are requesting the second largest increase in the debt limit in our Nation's history to continue their raid on Social Security and Medicare. We have to have an up-or-down vote on their stealth plan to mortgage our children's future.

I urge my colleagues to oppose the rule.

Mr. SESSIONS. Mr. Speaker, I yield myself such time as I may consume.

The song is always the same. The bottom line is that for years a clear majority of Democrats have been opposed to funding the military, and today is no different.

Mr. Speaker, I reserve the balance of my time.

Mr. FROST. Mr. Speaker, how much time is remaining on each side?

The SPEAKER pro tempore. The gentleman from Texas (Mr. FROST) has 12½ minutes remaining. The gentleman from Texas (Mr. SESSIONS) has 7 minutes remaining.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Mr. Speaker, my colleagues have heard any number of reasons why this is a bad rule. Let me give my colleagues another one.

If this rule passes, one of our premier airlines is liable to go out of business because this rule specifically protects language that terminates the airline loan guarantee program. After the events of September 11, we passed legislation knowing that the airlines were hurting, knowing that some of them could go into insolvency.

One airline in particular, U.S. Air, is headquartered at Washington's National Airport. Washington National Airport was closed down for an entire month, and for 8 months it has only had partial service. So understandably U.S. Airways has not had the revenue to stay afloat. That is what this loan guarantee program was for, but this rule protects \$1.3 billion in savings by terminating the program because it knows that that is the amount of money that U.S. Airways needs to stay afloat.

So we are forcing an airline into bankruptcy, 40,000 jobs, 204 cities served. Now, this is not what the gentleman from Florida (Mr. YOUNG) wanted. This is not what the gentleman from Kentucky (Mr. ROGERS) wanted. They have been trying to work it out along with the gentleman from Virginia (Mr. DAVIS). They have been trying to do the right thing, but this rule does the wrong thing. It is outrageous to try to save money through this kind of a budget gimmick and cause the loss of 40,000 jobs, and think of what it is going to do to the economy of 204 cities that are served by U.S. Air. Unbelievable.

This rule needs to get defeated. It is one of the worst rules to come before the House of Representatives.

Mr. SESSIONS. Mr. Speaker, I would like to, if I could, engage with the gentleman from Texas (Mr. FROST) and let him know that the time appears to be unbalanced at this point, and I would like to see if he would like to get us to more of an even stance.

Mr. FROST. Mr. Speaker, we are prepared to yield additional time at this point.

Mr. Speaker, I yield 2 minutes to the gentleman from South Carolina (Mr. SPRATT).

(Mr. SPRATT asked and was given permission to revise and extend his remarks.)

Mr. SPRATT. Mr. Speaker, I rise in opposition to this rule for many reasons, and not because I am opposed to defense funding. If this were a clean increase for the war in Afghanistan, it would be passed unanimously.

First of all, this rule deems what the House could not do directly. It deems the budget resolution and sets the discretionary spending ceiling at \$759 billion. That is \$9 billion less than the other body. Mark my word, that \$9 billion discrepancy will cause us problems before this fiscal year is out.

The second reason to get the votes necessary for passage, the rule claims \$1.2 billion in savings to offset the amendments that the committee added in the supplemental over and above the

President's request. The largest amount of these comes from obligatory delays. They are not saying they are obligatory delays.

The rule would prevent the Air Transportation Stabilization Board from guaranteeing any more airline loans for the rest of this fiscal year, but beginning the next fiscal year, they could make those loans. Someone may say that is harmless. Not for U.S. Air. It is a matter of life and death for U.S. Air because they told us they need funding by August 1. So it saves no money, but it does not do U.S. Air any good at all.

Most of all, I am really upset with this rule because it gets too clever by half, much too coy when it comes to something that is gravely serious, and that is the debt owed by the United States of America. We are creeping up on our statutory debt limits, and rather than face up to this issue squarely, this rule makes passing reference to the statutory debt ceiling just enough to have this matter originate in the House and leaves the heavy lifting to the other body.

□ 1730

What it seeks to avoid most of all is a direct vote on this very important issue, and our constituents need to know where we stand.

Now, we would have offered, if the committee had made it in order, an amendment that would have offered a suitable procedure for undertaking something this serious. It simply would have provided that if we take up the debt ceiling, we can increase it by \$250 billion, but if we increase it by any more we must have in place a budget resolution that will put the budget in balance in 5 fiscal years.

That amendment was not made in order, which is another reason to vote against the rule.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. STENHOLM).

(Mr. STENHOLM asked and was given permission to revise and extend his remarks.)

Mr. STENHOLM. Mr. Speaker, why can we not just for once be honest with the American people?

Every single Member of this body is in favor of supporting our troops in Afghanistan. And any rhetoric notwithstanding is not being honest. Everyone that makes statements like my friend from Texas made a moment ago knows better than that. The war on terrorism is too serious to play political games with.

To call this rule an open rule is laughable. The answer to the question of my colleague from Mississippi, Mr. Speaker, is no, he will be held out of order when he offers an amendment to pay for this war and not charge it to our grandchildren.

I cannot imagine how anybody that purports to be a conservative would support this resolution and this rule if they look at the scoring that is being

applied, and then saying to their colleagues it is being paid for, when my colleagues know better.

Back in 1994, I joined with 321 of my colleagues, including 166 Republicans that are still here, that said we ought to put a stop to emergency spending bills having nonemergency issues being added to them. It passed 322 to 99. There were only four Republicans that opposed it in 1994. Then in 1995, when the Republicans took over the majority, they thought it was a darned good rule and they put it in saying when we have emergency spending, we ought to confine the issues and the spending to emergencies. Yet this rule waives any amendment that strikes any of those spending bills that are not emergency, because suddenly my Republican colleagues have seen the light and they believe that spending for any purpose is okay; but yet they are going to call themselves conservatives.

A vote for this rule is a vote for using parliamentary tricks to sneak an increase in the debt limit into law without addressing the fiscal problems highlighted by the need to increase the debt limit. That is my opposition to this rule. That is my opposition to this bill.

My colleagues should be open and honest and come out and say they are in favor of increasing the debt of this country \$750 billion. But they choose to hide it. That is wrong and it is not honest.

Mr. FROST. Mr. Speaker, I yield 1 minute to the gentleman from Tennessee (Mr. TANNER).

Mr. TANNER. Mr. Speaker, if the Democrats had proposed this rule, I would be up here speaking against it. This rule is, I think I will put it this way, if I were doing business with someone who devised or ran their business like this rule, I would quit doing business with them immediately; and I think the American people ought to as well.

What my Republican colleagues have done with this rule is they have made passing reference to the statutory assurance that the United States take all necessary means to protect our credit, which is the debt ceiling, and then they have provided that the amendments printed in the Committee on Rules shall be considered as adopted. That is not an open rule and they know it.

No one can call that an open rule. We cannot get at striking section 1403 because it will be held out of order. So when my colleagues say it is an open rule, it is not and my colleagues know it. It is crystal clear that it is wrong. It is dead wrong.

We are engaged in a generational mugging of the next generation here because we will not face up to what we are trying to do to pay for this. It is wrong.

Mr. SESSIONS. Mr. Speaker, I yield 2 minutes to the gentleman from Savannah, Georgia (Mr. KINGSTON), who is a member of the Committee on Appropriations.

Mr. KINGSTON. Mr. Speaker, I thank the gentleman for yielding me this time, and I just want to say that I support this rule, and I will support the supplemental bill as well. I am supporting the rule and the bill because of three things, three important things that it does.

Number one, it continues the war internationally against terrorism; number two, it protects our homeland; and, number three, it helps complete the job of rebuilding New York City.

Just to go through some of these things. This wartime supplemental provides \$15.7 billion to aid the troops in the ongoing war. I have visited Afghanistan and Central Asia and the countries of Tajikistan, Pakistan, and Uzbekistan. They need our support. It is not time to turn our back on them.

This bill secures our homeland as well with \$850 million for checking baggage for explosive devices, \$630 million for baggage screening and \$75 million for security enhancements at commercial ports.

Just to give one statistic, Savannah, Georgia, which I represent, last year brought in one million containers. Of those containers, only 1 percent were checked. This bill helps address that problem.

This bill also, in the name of homeland security, provides local law enforcement the tools that they need to track down terrorism. How often do my colleagues get these calls, which I know I have been getting since 9-11, from the local police officers and the sheriff departments: they have seen something suspicious, but they do not know who to call or what to do. This helps them hook in with the national tracking system.

It also helps our communities in terms of disaster preparation. One of the issues we have to deal with is the EMS folks, training them and getting them up to speed on what is needed. I think that it is very important that we continue to work with our local law enforcement training people.

Then, finally, our \$5.5 billion to help build New York City, that great city which we in America all love and like to talk about.

This bill is about making sure we never forget what happened to our Nation on 9-11, and I urge my colleagues to support the rule and the bill.

Mr. FROST. Mr. Speaker, I yield 1 minute to the gentleman from Mississippi (Mr. TAYLOR).

Mr. TAYLOR of Mississippi. Mr. Speaker, we all want to take care of the troops. What a lot of us do not want to do is to lie to the American people and mislead them and tell them we are not borrowing money to do it.

The gentleman from Texas (Mr. SESSIONS) misspoke, and I am going to leave it at that, when he said they are paying down the national debt. In the past 1 year, the national debt has risen by \$323,329,559,211.21. Now that is straight off the Treasury report. Do not tell the people that we are bal-

ancing the budget. My colleagues are suggesting that we vote to increase the debt limit by \$750 billion. That is a thousand times a thousand times a thousand times 750.

If we have to pay for this war, and we should, then let us cut spending someplace else, like the American people do.

I would tell the gentleman from Texas (Mr. SESSIONS) that on the day my daughter was born our Nation was less than \$1 trillion in debt. The gentleman is proposing that we go over \$6 trillion in debt, and she is not yet 24 years old. Where does it stop? Where is the shame?

Mr. SESSIONS. Mr. Speaker, I yield myself such time as I may consume.

What the majority party, my Republican Party, is trying to do is to make sure that our President, that our law enforcement, that our military has the money that is necessary to fight this war. It is not a war we wanted to get into; it was a war that was thrust on America on September 11. It was a war that America was thrust in and now our President and our Vice President are leading our Nation.

We all saw the destruction and the damage that happened. We stood up with pride and in awe of the men and women of the New York City Fire Department and Police Department as they battled these terrorists and then looked after the people of New York. We, as Members of this body, responded within days. We are now trying to respond again.

We believe it is honest and forthright that we follow procedures that people out in Dallas, Texas, and all across this country understand, not just in my congressional district but all the Members, when we say that we are trying to do the things that the President has asked for and that are in the best interest of this country to fund our military and law enforcement and the men and women who protect not only our borders but our parameters well out, including Afghanistan and our allies.

What we have said is very plain and simple. We are following a constitutional process where we have to go and negotiate with another body called the United States Senate. We are trying to make sure that while this negotiation is going on that we can say that the United States Government shall take all steps necessary to guarantee the full faith and credit of the government. I think to do anything different would be irresponsible.

I cannot say what the debt is going to do between now and the time we reach an agreement with the United States Senate and the President signs this bill. But what I can say is that we are responsible enough to say that the United States Government will stand up for what it should.

Mr. Speaker, I reserve the balance of my time.

Mr. FROST. Mr. Speaker, I yield such time as he may consume to the gentleman from Tennessee (Mr. TANNER).

Mr. TANNER. Mr. Speaker, in the previous comments, the majority manager of the bill has referred to this as an open rule. Therefore, under this open rule, I would like to ask unanimous consent that the amendment offered by the gentleman from Kansas (Mr. MOORE) be made in order in the ensuing debate.

The SPEAKER pro tempore (Mr. THORNBERRY). The Chair would respond that the gentleman's request is out of order. The gentleman from Texas (Mr. SESSIONS) has yielded to the gentleman from Texas (Mr. FROST) for the purposes of debate only, not for the purposes of amending the rule, even under unanimous consent.

Mr. FROST. Mr. Speaker, I yield 1 minute to the gentleman from Kansas (Mr. MOORE).

Mr. MOORE. Mr. Speaker, we have heard over and over and over that this is a rule about the war. What the majority party has done is wrapped this rule in the flag and wrapped this rule in the war and is trying to hide the fact from the American people that they are trying to increase the credit card debt of this Nation by \$750 billion, three-quarters of a trillion dollars.

We all are Americans, we all stand together against terrorism, and we will all provide whatever resources and money are necessary to win this war on terrorism. But at the very least we should be, we should be, and we must be honest with the American people and tell them what it is we are doing. What the Republicans are attempting to do is to sneak through a \$750 billion increase in the debt limit here without a stand-alone vote.

That is absolutely wrong, because what my colleagues are going to do is to pass that debt on to our children and grandchildren. Shame. Shame.

Mr. FROST. Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. BENTSEN).

(Mr. BENTSEN asked and was given permission to revise and extend his remarks.)

Mr. BENTSEN. Mr. Speaker, it is ironic that 1 year ago we were having a debate in this House about how much of the debt we could pay down. Today, the House is being asked to pass in this rule, having nothing to do with the underlying bill, a measure that will allow for the public debt of the Nation to increase by three-quarters of a trillion dollars without debating it in the light of day.

We have soldiers abroad who are fighting to defend the Constitution, yet we have the majority party which does not even want to allow the public to see the debate of whether or not we want to raise the national debt to pay for the war.

All of us support the war effort. There is not a Member on either side, that I am aware of, who is not in favor of the war effort.

□ 1745

But what is a shame is the fact that the Republicans want to slide a fast

one past the American people so they can have it both ways and say we can cut taxes and we are not going to increase the debt when in fact that is what they are doing. They are raising the national debt with this vote.

We should defeat this rule and start over and bring a clean supplemental up that every Member will vote for.

#### PARLIAMENTARY INQUIRY

Mr. EDWARDS. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore (Mr. THORNBERRY). The gentleman will state it.

Mr. EDWARDS. Mr. Speaker, having listened to the comments of the gentleman from Tennessee, my parliamentary inquiry is this: Would it take an amendment to change an open rule in order to make it open?

The SPEAKER pro tempore. The gentleman has not stated a parliamentary inquiry which is appropriate for the Chair to answer.

Does the gentleman have a further parliamentary inquiry?

Mr. EDWARDS. Yes, I do, Mr. Speaker.

The SPEAKER pro tempore. The gentleman will state it.

Mr. EDWARDS. It is my understanding that this has been described by the majority as an open rule. Yet a few minutes ago, the Speaker said in response to the comments of the gentleman from Tennessee that it would require a change in the rule in order to make it an open rule.

My parliamentary inquiry is if this is an open rule, why would it require a change in the rule to make it an open rule?

The SPEAKER pro tempore. The Chair would simply respond to the gentleman, the House has a mechanism to amend a pending rule if the House sees fit. The Chair responded in such a fashion earlier on several occasions.

Mr. EDWARDS. I thank the Speaker.

The SPEAKER pro tempore. The gentleman from Texas (Mr. SESSIONS) has 3 minutes remaining. The gentleman from Texas (Mr. FROST) has 2½ minutes remaining.

Mr. SESSIONS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the money that we are spending in this bill is for the national defense, and it is for men and women who protect us. Tonight when Americans go to sleep after hearing this great and vigorous debate, they can go to sleep knowing that this House is talking about the things that are important to make sure that our sons and brothers and fathers and aunts and uncles, the freedoms that we enjoy as a result of this House talking about the debate that will get our military and law enforcement the money that is necessary to make sure that we win this war.

That is what this debate is simply about. I am proud of what we are doing here.

Mr. Speaker, I reserve the balance of my time.

Mr. FROST. Mr. Speaker, I yield 1 minute to the gentleman from Michigan (Mr. LEVIN).

(Mr. LEVIN asked and was given permission to revise and extend his remarks.)

Mr. LEVIN. Mr. Speaker, in 2000, Congress passed the CBI bill. In the most sensitive area of apparel and textiles, the bill endeavored to build on the strengths and complementarities of Caribbean countries. CBI nations were provided enhanced access to the U.S. market with some important requirements as to use of American fabric, and within these requirements the ability to dye and finish this material in their nation. Included was enhanced implementation of core labor standards.

In order to obtain a few votes to pass their fast-track bill, the administration cut a deal that turns its back on CBI. The attempt in this bill to carry out that deal is antithetical to the administration's rhetoric about the importance of expanded trade and about the needs of evolving economies. It is another troubling result of the decision of the administration and House Republicans to pass fast track on a partisan basis, refusing to address concerns of Democrats who have worked hard to craft constructive trade legislation these last years. The administration has missed an historic opportunity to build a viable, strong, bipartisan foundation for trade policy and the consequence is the attempt to ratify in this bill an act of expediency. It has zero to do with the war against terrorism.

Mr. FROST. Mr. Speaker, I yield 30 seconds to the gentleman from Texas (Mr. STENHOLM).

Mr. STENHOLM. Mr. Speaker, my friend from Texas has now three times made a very impassioned speech regarding that this is for the troops, and I want to again say, every single person over here supports our troops. In addition to that, I will say I support our President 110 percent. In fact, I believe in our opposition to this rule that I am supporting the President more than you are.

Here is why. The President asked for \$27.1 billion. This bill is \$29.4 billion. You made reference to the Senate, in having a package to go to the Senate. The Senate is proposing to spend \$31 billion. That means we are going to compromise somewhere between 29.4 and 31. That is not what the President asked for.

This is more than just supporting our troops. We all support the troops. This is about fiscal responsibility and the debt limit.

Mr. FROST. Mr. Speaker, I yield the balance of my time to the gentleman from New Jersey (Mr. ANDREWS).

The SPEAKER pro tempore. The gentleman from New Jersey is recognized for 1 minute.

(Mr. ANDREWS asked and was given permission to revise and extend his remarks.)

Mr. ANDREWS. I thank my friend for yielding time.

Mr. Speaker, the House is in the business of taking votes to decide things. This week we took a vote on whether to congratulate the people of East Timor, as we should have. We took a vote on naming a Federal building, as we should have.

The majority has a plan to borrow \$750 billion and pass along the bill to our children. But they do not want to put that up for a vote. The choice that is before the House on this rule is very simple. Should we or should we not take a recorded vote on borrowing \$750 billion? Our only chance to cast a vote on that, if the majority has its way, is on this rule vote.

Defeat the rule, bring this question, like the question of congratulating the people of East Timor, before the American people so they can see where we as their elected representatives stand. Defeat this rule.

Mr. SESSIONS. Mr. Speaker, I yield the balance of my time to the gentleman from Illinois (Mr. HASTERT), the Speaker of the House.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Illinois, the Speaker of the House, for 2 minutes.

(Mr. HASTERT asked and was given permission to revise and extend his remarks.)

Mr. HASTERT. Mr. Speaker, we have heard a lot of debate on this bill today. This bill has been on the docket for about 6 weeks trying to bring it together. In this bill is \$14 billion-plus for our men and women who fight the war in Afghanistan and around the world. In this bill is \$5 billion for New York so that they can recoup and rebuild their city for the losses they got on September 11. In this bill is \$7 billion for defense against terrorism in this country, air marshals, police, things to make this country safer so that we can travel, so that we can live our lives.

There is a lot of debate and a lot of demagoguery that goes on in a place like this. But there are times when you need to move forward, pass legislation, get it done and do the right thing. I have heard a lot of, again, conversation from the other side of the aisle. Do we need eventually to raise the debt ceiling in this country? You know we have to do that. There is not one person in the room who will deny that that has to be done. Do we do it in this bill? No. Do we give ourselves a possibility that we can do it at a later date? Yes. Do we have to make sure that there is some discipline in the budget as opposed to the other side of the Rotunda where there is no discipline? Yes. We need to do that. We need to do it for our own good. We also need to do it on mandatory and discretionary spending if we want to do the things in health care and prescription drugs that is right for this country.

You can vote no against this. If you vote no, you ought to know that you are voting against our military, you are voting against the people in New York. You need to know that you are



also voting against the ability for us to solve the problems that we have in this country. If you want to vote against trying to solve the problems in health care and prescription drugs, vote no for this bill.

If you want to move forward and have the Congress do the things that the American people expect us to do, then you want to vote yes for this rule and vote yes for the bill.

Mr. DICKS. Mr. Speaker, I rise in strong opposition to this rule, because it robs the Department of Defense of \$13.2 billion that was requested by the President. I must say that I am surprised and frankly feel let down by my colleagues and good friends on the other side of the aisle, many of whom have in the past stood shoulder to shoulder with me in calling for more defense spending.

This rule includes a so-called "deeming" provision which says that the House shall consider the Budget Resolution to have passed a conference committee just as it passed the House. Doing so weakens national security because the budget resolution made two incredible raids on the Defense budget, reducing the money available to be appropriated for Defense by \$13.2 billion.

First, the Budget Resolution reduced the Budget Authority available for defense by \$10 billion by eliminating the contingency fund requested by the Department of Defense. I share some of the Budget Committee's concerns that this request was vague, but Congress is more than capable of working with the Department to determine how that funding can best be used, and no serious defense observer believes that the Department of Defense will not need this \$10 billion, and even more, for its operations in FY03. This rule today puts that funding off limits.

Second, the Budget Resolution reduced the Budget Authority available for Defense by \$3.2 billion which had been set aside by the Department of Defense for civilian health care accrual. The Budget Committee doesn't support doing this accrual accounting change, but taking the money away from the Department of Defense is the wrong answer. We have seen a consistent pattern in recent years of underestimating the costs in the Defense Health Program and many Operations and Maintenance accounts. The \$3.2 billion included for civilian accrual costs should be maintained as a hedge against cost escalations in these accounts.

In addition to being \$13.2 billion below the President's Request for defense, this resolution puts us as much as \$6.9 billion under the Defense Authorization bill the House approved just a few weeks ago. That bill maintained the \$3.2 billion originally requested for civilian accrual and it allocated \$3.7 billion of the contingency fund to high priority operational items.

We should reject this rule Mr. Speaker, and allow the Appropriations Committee to bring to the floor a Defense Appropriations bill that is at least equal to the President's request, a request which is already \$40 billion below what is required in procurement alone. That's not just according to me, that is the testimony given by the Chairman of the Joint Chiefs of Staff, Gen. Richard Myers, before the Defense Appropriations Subcommittee this year.

Mr. SESSIONS. Mr. Speaker, I move the previous question on the resolution.

# PARLIAMENTARY INQUIRY

Mr. TAYLOR of Mississippi. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. TAYLOR of Mississippi. Mr. Speaker, is including \$10 million in this bill to assist in State efforts to prevent and control transmissible spongiform encephalopathy, including bovine spongiform encephalopathy, chronic wasting disease, and scrapie, in farmed and free-ranging animals, does that constitute a vital defense need?

The SPEAKER pro tempore. The gentleman has not stated a proper parliamentary inquiry.

The gentleman from Texas moved the previous question on the resolution.

Without objection, the previous question is ordered.

There was no objection.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. FROST. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 216, nays 209, answered "present" 3, not voting 7, as follows:

[Roll No. 194]

YEAS—216

Aderholt  
Akin  
Armey  
Bachus  
Baker  
Ballenger  
Barr  
Bartlett  
Barton  
Bass  
Bereuter  
Biggett  
Bilirakis  
Blunt  
Boehlert  
Boehner  
Bono  
Boozman  
Brady (TX)  
Brown (SC)  
Bryant  
Burr  
Buyer  
Calvert  
Camp  
Cannon  
Cantor  
Capito  
Castle  
Chabot  
Chambliss  
Coble  
Collins  
Combest  
Cooksey  
Cox  
Crane  
Crenshaw  
Cubin  
Culberson  
Cunningham  
Davis, Jo Ann  
Davis, Tom  
Deal  
DeLay

DeMint  
Diaz-Balart  
Doolittle  
Dreier  
Duncan  
Dunn  
Ehlers  
Ehrlich  
English  
Everett  
Ferguson  
Flake  
Fletcher  
Foley  
Forbes  
Fossella  
Frelinghuysen  
Gallegly  
Ganske  
Gekas  
Gibbons  
Gilchrest  
Gillmor  
Gilman  
Goode  
Goodlatte  
Goss  
Graham  
Granger  
Graves  
Green (WI)  
Greenwood  
Grucci  
Gutknecht  
Hansen  
Hart  
Hastert  
Hastings (WA)  
Hayes  
Hayworth  
Hefley  
Herger  
Hilleary  
Hobson  
Hoekstra

Horn  
Hostettler  
Houghton  
Hulshof  
Hunter  
Hyde  
Isakson  
Issa  
Istook  
Jenkins  
Johnson (CT)  
Johnson (IL)  
Johnson, Sam  
Jones (NC)  
Kanjorski  
Keller  
Kelly  
Kennedy (MN)  
Kerns  
King (NY)  
Kingston  
Kirk  
Knollenberg  
LaHood  
Latham  
LaTourette  
Leach  
Lewis (CA)  
Lewis (KY)  
Linder  
LoBiondo  
Lucas (OK)  
Manzullo  
McCrery  
McHugh  
McInnis  
McKeon  
Mica  
Miller, Dan  
Miller, Gary  
Miller, Jeff  
Moran (KS)  
Morella  
Myrick  
Ney

Northup  
Norwood  
Nussle  
Osborne  
Ose  
Otter  
Oxley  
Paul  
Pence  
Peterson (PA)  
Petri  
Pickering  
Pitts  
Platts  
Pombo  
Portman  
Pryce (OH)  
Putnam  
Quinn  
Radanovich  
Ramstad  
Regula  
Rehberg  
Reynolds  
Riley  
Rogers (KY)  
Rogers (MI)

Rohrabacher  
Ros-Lehtinen  
Roukema  
Royce  
Ryan (WI)  
Ryun (KS)  
Saxton  
Schaffer  
Schrock  
Sensenbrenner  
Sessions  
Shadegg  
Shaw  
Shays  
Sherwood  
Shimkus  
Shuster  
Simmons  
Simpson  
Skeen  
Smith (MI)  
Smith (NJ)  
Smith (TX)  
Souder  
Stearns  
Stump  
Sullivan

Sununu  
Sweeney  
Tancredo  
Tauzin  
Taylor (NC)  
Terry  
Thomas  
Thornberry  
Thune  
Tiahrt  
Tiberi  
Toomey  
Upton  
Vitter  
Walden  
Walsh  
Watkins (OK)  
Watts (OK)  
Weldon (FL)  
Weldon (PA)  
Weller  
Whitfield  
Wilson (NM)  
Wilson (SC)  
Wolf  
Young (AK)  
Young (FL)

NAYS—209

Abercrombie  
Ackerman  
Allen  
Andrews  
Baca  
Baird  
Baldacci  
Baldwin  
Barcia  
Barrett  
Becerra  
Bentsen  
Berkley  
Berman  
Berry  
Bishop  
Blagojevich  
Blumenauer  
Bonior  
Borski  
Boswell  
Boucher  
Boyd  
Brady (PA)  
Brown (FL)  
Brown (OH)  
Callahan  
Capps  
Capuano  
Cardin  
Carson (IN)  
Carson (OK)  
Clay  
Clayton  
Clement  
Clyburn  
Condit  
Conyers  
Costello  
Coyne  
Cramer  
Crawley  
Cummings  
Davis (CA)  
Davis (FL)  
Davis (IL)  
DeFazio  
DeGette  
Delahunt  
DeLauro  
Dicks  
Dingell  
Doggett  
Dooley  
Doyle  
Edwards  
Engel  
Eshoo  
Etheridge  
Evans  
Farr  
Fattah  
Filner  
Ford  
Frank  
Frost  
Gephardt  
Gonzalez  
Gordon

Green (TX)  
Gutierrez  
Hall (OH)  
Hall (TX)  
Harman  
Hastings (FL)  
Hill  
Hilliard  
Hinchey  
Hinojosa  
Hoeffel  
Holden  
Holt  
Honda  
Hoolley  
Hoyer  
Inslee  
Israel  
Jackson (IL)  
Jackson-Lee  
(TX)  
Jefferson  
John  
Johnson, E. B.  
Jones (OH)  
Kaptur  
Kennedy (RI)  
Kildee  
Kilpatrick  
Kind (WI)  
Klecza  
Kolbe  
Kucinich  
LaFalce  
Lampson  
Langevin  
Lantos  
Larsen (WA)  
Larson (CT)  
Lee  
Levin  
Lewis (GA)  
Lofgren  
Lowey  
Lucas (KY)  
Luther  
Lynch  
Maloney (CT)  
Maloney (NY)  
Markey  
Matheson  
Matsui  
McCarthy (MO)  
McCarthy (NY)  
McCollum  
McDermott  
McGovern  
McIntyre  
McKinney  
McNulty  
Meehan  
Meek (FL)  
Meeks (NY)  
Menendez  
Millender  
Donald  
Miller, George  
Mink  
Mollohan

Moore  
Moran (VA)  
Murtha  
Nadler  
Napolitano  
Neal  
Oberstar  
Obey  
Oliver  
Ortiz  
Owens  
Pallone  
Pascarelli  
Pastor  
Payne  
Pelosi  
Peterson (MN)  
Phelps  
Pomeroy  
Price (NC)  
Rahall  
Rangel  
Reyes  
Rivers  
Rodriguez  
Roemer  
Ross  
Rothman  
Roybal-Allard  
Rush  
Sabo  
Sanchez  
Sanders  
Sandlin  
Sawyer  
Schakowsky  
Schiff  
Scott  
Serrano  
Sherman  
Shows  
Skelton  
Slaughter  
Smith (WA)  
Snyder  
Solis  
Spratt  
Stark  
Stenholm  
Strickland  
Stupak  
Tanner  
Tauscher  
Taylor (MS)  
Thompson (CA)  
Thompson (MS)  
Thurman  
Tierney  
Towns  
Turner  
Udall (CO)  
Udall (NM)  
Velazquez  
Visclosky  
Waters  
Watson (CA)  
Watt (NC)

Waxman Wicker Wu  
Weiner Woolsey Wynn

ANSWERED "PRESENT"—3

Bonilla Nethercutt Wamp

NOT VOTING—7

Burton Lipinski Wexler  
Deutsch Mascara  
Emerson Traficant

□ 1823

Ms. CARSON of Indiana, and Messrs. SANDERS, LARSEN of Washington, BAIRD and GUTIERREZ changed their vote from "yea" to "nay."

Mr. STEARNS changed his vote from "nay" to "yea."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## MOTION TO ADJOURN

Mr. OBEY. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER pro tempore (Mr. THORNBERRY). The question is on the motion to adjourn offered by the gentleman from Wisconsin (Mr. OBEY).

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

## RECORDED VOTE

Mr. OBEY. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 94, noes 300, not voting 41, as follows:

[Roll No. 195]

## AYES—94

Ackerman Hefley Oberstar  
Allen Hill Obey  
Andrews Hinchey Oliver  
Baird Hoekstra Owens  
Barrett Holt Pascarelli  
Becerra Honda Pelosi  
Berman Jackson (IL) Pomeroy  
Berry Jackson-Lee Rangel  
Bishop (TX) Rodriguez  
Borski Jefferson Roybal-Allard  
Boucher Johnson, E. B. Sanchez  
Boyd Jones (OH) Sandlin  
Brady (PA) Kaptur Sherman  
Brown (FL) Kelly Shows  
Capuano Kilpatrick Slaughter  
Clayton Langevin Snyder  
Clement Lee Solis  
Clyburn Lewis (GA) Spratt  
DeFazio Lowey Stark  
Delahunt Lynch Stupak  
Doggett Maloney (NY) Taylor (MS)  
Edwards Markey Thompson (MS)  
Eshoo Matsui Tierney  
Evans McCarthy (NY) Towns  
Farr McDermott Udall (NM)  
Filner McGovern Velazquez  
Ford McNulty Visclosky  
Frank Meehan Waters  
Gephardt Meek (FL) Watson (CA)  
Gordon Miller, George Waxman  
Harman Mink Wynn  
Hastings (FL) Neal

## NOES—300

Abercrombie Barr Blumenauer  
Aderholt Bartlett Blunt  
Akin Barton Boehlert  
Armey Bass Boehner  
Baca Bentsen Bonilla  
Bachus Bereuter Bono  
Baker Berkley Boozman  
Baldacci Biggert Boswell  
Ballenger Bilirakis Brady (TX)  
Barcia Blagojevich Brown (OH)

Brown (SC) Hulshof  
Bryant Hunter  
Burr Hyde  
Buyer Inslee  
Callahan Isakson  
Calvert Israel  
Camp Issa  
Cantor Istook  
Capito Jenkins  
Capps John  
Cardin Johnson (CT)  
Carson (IN) Johnson (IL)  
Castle Johnson, Sam  
Chabot Jones (NC)  
Chambliss Kanjorski  
Collins Keller  
Combest Kennedy (MN)  
Condit Kennedy (RI)  
Cooksey Kerns  
Costello Kildee  
Cramer Kind (WI)  
Crane King (NY)  
Crenshaw Kingston  
Crowley Kirk  
Cubin Kleczka  
Culberson Knollenberg  
Cummings Kolbe  
Cunningham Kucinich  
Davis (CA) LaFalce  
Davis (FL) LaHood  
Davis (IL) Lantos  
Davis, Jo Ann Larsen (WA)  
Davis, Tom Larson (CT)  
Deal Latham  
DeGette LaTourette  
DeLauro Leach  
DeLay Levin  
DeMint Lewis (CA)  
Diaz-Balart Lewis (KY)  
Dicks Linder  
Doolittle LoBiondo  
Doyle Lofgren  
Dreier Lucas (KY)  
Duncan Lucas (OK)  
Dunn Luther  
Ehlers Maloney (CT)  
Engel Manzullo  
English Matheson  
Etheridge McCarthy (MO)  
Everett McCollum  
Ferguson McCrery  
Flake McHugh  
Forbes McInnis  
Fossella McKeon  
Frelinghuysen McKinney  
Frost Menendez  
Gallegly Mica  
Ganske Millender-  
Gekas McDonald  
Gibbons Miller, Dan  
Gilchrest Miller, Jeff  
Gillmor Mollohan  
Gilman Moore  
Gonzalez Moran (KS)  
Goode Moran (VA)  
Goodlatte Morella  
Goss Murtha  
Granger Myrick  
Graves Nadler  
Green (TX) Napolitano  
Green (WI) Nethercutt  
Grucci Ney  
Gutierrez Northup  
Gutknecht Norwood  
Hall (TX) Nussle  
Hansen Osborne  
Hart Ose  
Hastert Otter  
Hastings (WA) Oxley  
Hayes Pallone  
Hayworth Pastor  
Herger Paul  
Hilliard Payne  
Hobson Pence  
Hoeffel Peterson (MN)  
Holden Peterson (PA)  
Hooley Petri  
Horn Phelps  
Hostettler Pickering  
Houghton Pitts  
Hoyer Pombo

## NOT VOTING—41

Baldwin Coble Dooley  
Bonior Conyers Ehrlich  
Burton Cox Emerson  
Cannon Coyne Fattah  
Carson (OK) Deutsch Fletcher  
Clay Dingell Foley

Graham McIntyre  
Greenwood Meeks (NY)  
Hall (OH) Miller, Gary  
Hilleary Ortiz  
Hinojosa Platts  
Lampson Radanovich  
Lipinski Rivers  
Mascara Sanders

□ 1844

Mr. SHOWS changed his vote from "no" to "aye."

So the motion to adjourn was rejected.

The result of the vote was announced as above recorded.

## GENERAL LEAVE

Mr. YOUNG of Florida. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 4775, and that I may include tabular and extraneous material.

The SPEAKER pro tempore (Mr. ISAKSON). Is there objection to the request of the gentleman from Florida?

There was no objection.

## PERMISSION TO INCLUDE EXTRA-NEOUS MATERIAL DURING CONSIDERATION OF HOUSE RESOLUTION 428

Mr. OBEY. Mr. Speaker, I ask unanimous consent that I may be allowed to include extraneous material immediately following my remarks on the rule that has earlier passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

□ 1845

## 2002 SUPPLEMENTAL APPROPRIATIONS ACT FOR FURTHER RECOVERY FROM AND RESPONSE TO TERRORIST ATTACKS ON THE UNITED STATES

The SPEAKER pro tempore (Mr. ISAKSON). Pursuant to House Resolution 428 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 4775.

□ 1845

## IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 4775) making supplemental appropriations for further recovery from and response to terrorist attacks on the United States for the fiscal year ending September 30, 2002, and for other purposes, with Mr. THORNBERRY in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Florida (Mr. YOUNG) and the gentleman from Wisconsin (Mr. OBEY) each will control 30 minutes.

The Chair recognizes the gentleman from Florida (Mr. YOUNG).

Mr. YOUNG of Florida. Mr. Chairman, I yield myself such time as I may consume.

(Mr. YOUNG of Florida asked and was given permission to revise and extend his remarks.)

Mr. YOUNG of Florida. Mr. Chairman, I am pleased to bring to the House the 2002 Supplemental Appropriations Bill. This is the first appropriations bill that we will be considering this year, and it should prove to be an interesting experience.

The Committee on Appropriations ordered this legislation reported last week. The bill is extremely important, and I believe it will enjoy broad bipartisan support. It is extremely important, Mr. Chairman, because this is a wartime supplemental appropriations bill. This is to pay for our wartime activities in Afghanistan and other places that our military troops might be deployed. This is a wartime appropriations bill to repay our military services for the monies they have already expended from their fourth quarter accounts.

This is an extremely important bill in that it also, besides providing money for the Defense Department, provides for our homeland security. As we get further away from September 11, we may be tempted to forget what happened on that day in the United States of America. But, Mr. Chairman, we were attacked. Our people were attacked. We are going to fight back. We are going to finance our effort to fight back.

The President of the United States is doing an outstanding job in leading our Nation in the prosecution of the military campaign. He is doing an outstanding job in leading our Nation in seeking out terrorist organizations wherever we can locate them and proceeding to bring them to justice. So it is a very important bill, Mr. Chairman. However, over the last 5 weeks, some of the focus has gotten lost on this important bill. It has been sort of like a ship growing barnacles. Everyone knows this is a must-pass bill, and there are probably 435 ideas of what should be added to or subtracted from it. But I want to remind everyone again, the focus of this bill is and must continue

to be that this is a wartime supplemental appropriations bill. It provides money for our troops. It provides money for our intelligence community. It provides money for the safety and security of our people and our community. It provides support for the victims of the attack in New York at the World Trade Center. And it provides funds to promote the U.S. foreign policy to prevent future attacks.

The committee reported a bill that provides \$29.387 billion and half of that, or \$15.8 billion, is for the Defense Department to continue to prosecute the war on terrorism. This bill supports the President. It fully funds his requirements for national security, foreign policy; and it provides an additional \$5.5 billion in support for recovery in New York. There is \$1.77 billion in additional funds for the Defense Department to pay for costs relating to the mobilization of the Guard and Reserve forces and to cover their operational expenses.

It provides for our country's biggest concern, securing our homeland, by providing \$5.8 billion. That is \$522 million above the President's request. It ensures that our nuclear assets can be secured and that law enforcement and our first responders, who are so important in providing for the safety of our people in our community, have adequate information to prevent, hopefully, or, if necessary, to respond to acts of terrorism.

It also gets the Transportation Security Administration up and running so that the traveling public will be safe. We have all heard the concerns raised over the past few days that the FBI had information that somehow was left out of security briefings for the President. The most important thing we can do to protect our country and our constituents from future attacks is to ensure that law enforcement and our intelligence community and the Commander in Chief, the President of the United States, have timely access to accurate and complete information.

I have been to the FBI; and my friend and colleague, the gentleman from Wisconsin (Mr. OBEY) has been to the FBI. We have seen firsthand their antiquated technology equipment that needs to be enhanced, that needs to be updated, that needs to be brought into

today's world. We looked at this closely and determined that the President's request did not provide enough for that purpose. So in the terrorism supplemental last year we added \$132 million above the President's request for the FBI's information technology, and this supplemental bill contains an additional \$100 million above the President's request for additional technology enhancement for the FBI.

At this point, there will be some who try to assess the blame. We are here to find solutions and to provide the funding necessary to put those solutions in place.

Now, in addition to defense and homeland security, we had a shortfall in the Pell grant program, an important program for the education of our young Americans. We added \$1 billion to provide funding for the Pell grant program.

Our leadership, on a bipartisan basis, asked for funding to pay for the election reforms that we enacted earlier this year. So we added \$450 million for that purpose. We increased the President's budget request for defense by \$1.8 billion. In the committee, added by amendment, was \$250 million for Israel and for humanitarian relief for the Palestinians. We have added \$275 million over the President's request for veterans health care.

Mr. Chairman, we did not just spend the money. We had offsets. We had offsets of \$1.8 billion more than the President's budget request had asked for. And so, Mr. Chairman, this is a good supplemental bill. It is well within the budget limits placed on us by the 2002 budget resolution.

I hope that we can consider this bill as what it is, a wartime emergency supplemental. I hope that we are not distracted by the other issues that were debated heatedly during the consideration of the rule. Let us focus today on this wartime emergency supplemental for our troops, for our security agencies, for our intelligence agencies, for the FBI and for the President of the United States to be able to do the things that we are demanding that he do, and that is to make America secure and to seek out those who perpetrate or would perpetrate terrorist attacks against our Nation.

H.R. 4775—2002 SUPPLEMENTAL APPROPRIATIONS ACT

(Dollars in thousands)

	Budget request	Recommended in bill	Bill compared with request
CHAPTER 1			
DEPARTMENT OF AGRICULTURE			
Food Safety and Inspection Service (contingent emergency) .....		2,000	+2,000
Food and Nutrition Service: Special Supplemental Nutrition Program for Women, Infants, and Children (WIC) .....	75,000	75,000	
Animal and Plant Health Inspection Service: Salaries and expenses (contingent emergency) .....		10,000	+10,000
Natural Resources Conservation Service: Watershed Rehabilitation Program (rescission) .....	– 9,000		+9,000
DEPARTMENT OF HEALTH AND HUMAN SERVICES			
Food and Drug Administration: Salaries and expenses (contingent emergency) .....		18,000	+18,000
General Provisions: Export Enhancement Program (limitation) (sec. 101) .....		– 450,000	– 450,000
Total, chapter 1 .....	66,000	– 345,000	– 411,000
CHAPTER 2			
DEPARTMENT OF JUSTICE			
General Administration: Salaries and expenses (emergency) .....	5,750	5,750	

## H.R. 4775—2002 SUPPLEMENTAL APPROPRIATIONS ACT—Continued

(Dollars in thousands)

	Budget request	Recommended in bill	Bill compared with request
<b>LEGAL ACTIVITIES</b>			
United States Marshals Service: Salaries and expenses (contingent emergency) .....		1,000	+1,000
Federal Bureau of Investigation: Salaries and expenses (emergency) .....	10,000	10,000	
Contingent emergency .....		102,000	+102,000
Immigration and Naturalization Service: Enforcement and Border Affairs: Salaries and expenses (emergency) .....	35,000	35,000	
Contingent emergency .....		40,000	+40,000
Office of Justice Programs: Justice assistance (emergency) .....		175,000	+175,000
<b>DEPARTMENT OF COMMERCE AND RELATED AGENCIES RELATED AGENCIES</b>			
Office of the United States Trade Representative:			
Salaries and expenses (contingent emergency) .....		1,100	+1,100
European Communities Music Licensing Dispute .....	3,300		—3,300
<b>DEPARTMENT OF COMMERCE</b>			
Export Administration: Operations and Administration (emergency) .....	8,700		—8,700
National Institute of Standards and Technology: Scientific and Technical Research and Services (emergency) .....	4,000	4,000	
National Oceanic and Atmospheric Administration: Fisheries Finance Program Account (limitation on direct loans) .....	(24,000)	(24,000)	
Negative subsidy .....	—3,000	—3,000	
Departmental Management: Salaries and expenses (emergency) .....	400	400	
<b>THE JUDICIARY</b>			
Supreme Court of the United States: Care of the Buildings and Grounds (emergency) .....	10,000	10,000	
United States Courts of Appeals for the Federal Circuit: Salaries and expenses (emergency) .....	857		—857
Courts of Appeals, District Courts, and Other Judicial Services: Salaries and expenses (emergency) .....	3,143	3,143	
Contingent emergency .....		3,115	+3,115
<b>DEPARTMENT OF STATE AND RELATED AGENCY DEPARTMENT OF STATE</b>			
Administration of Foreign Affairs:			
Diplomatic and Consular Programs (emergency) .....	51,050	51,050	
Capital Investment Fund (emergency) .....	2,500		—2,500
Educational and Cultural Exchange Programs (emergency) .....	10,000	10,000	
Contingent emergency .....		10,000	+10,000
Embassy Security, Construction, and Maintenance (emergency) .....	200,516	200,516	
Emergencies in the Diplomatic and Consular Service (emergency) .....	8,000		—8,000
International Organizations and Conferences:			
Contributions to International Organizations (emergency) .....	7,000	7,000	
Contributions for International Peacekeeping Activities (emergency) .....	43,000	43,000	
<b>RELATED AGENCY</b>			
Broadcasting Board of Governors:			
International Broadcasting Operations (emergency) .....	7,400	7,400	
Broadcasting capital improvements (contingent emergency) .....		7,700	+7,700
<b>RELATED AGENCIES</b>			
Securities and Exchange Commission: Salaries and expenses .....	20,000	20,000	
Contingent emergency .....		9,300	+9,300
Total, chapter 2 .....	427,616	753,474	+325,858
<b>CHAPTER 3 DEPARTMENT OF DEFENSE—MILITARY</b>			
Military Personnel: Military Personnel, Air Force (emergency) .....	206,000	206,000	
Operation and Maintenance:			
Operation and Maintenance, Army (emergency) .....	107,000	107,000	
Contingent emergency .....		119,000	+119,000
Operation and Maintenance, Navy (emergency) .....	36,500	36,500	
Contingent emergency .....		17,250	+17,250
Operation and Maintenance, Air Force (emergency) .....	41,000	41,000	
Contingent emergency .....		19,500	+19,500
Operation and Maintenance, Defense-Wide (emergency) .....	739,000	739,000	
Contingent emergency .....		12,975	+12,975
Defense Emergency Response Fund (emergency) .....	11,300,000	11,300,000	
Contingent emergency .....		1,393,972	+1,393,972
Procurement:			
Other Procurement, Army (emergency) .....	79,200	79,200	
Aircraft Procurement, Navy (emergency) .....	22,800	22,800	
Procurement of Ammunition, Navy and Marine Corps (emergency) .....	262,000	262,000	
Other Procurement, Navy (emergency) .....	2,500	2,500	
Procurement, Marine Corps (emergency) .....	3,500	3,500	
Aircraft Procurement, Air Force (emergency) .....	93,000	93,000	
Contingent emergency .....		36,500	+36,500
Procurement of Ammunition, Air Force (emergency) .....	115,000	115,000	
Other Procurement, Air Force (emergency) .....	752,300	735,340	—16,960
Procurement, Defense-Wide (emergency) .....	99,500	99,500	
Contingent emergency .....		4,925	+4,925
Research, Development, Test and Evaluation:			
RDT&E, Army (emergency) .....	8,200	8,200	
RDT&E, Navy (emergency) .....	19,000	9,000	—10,000
RDT&E, Air Force (emergency) .....	60,800	60,800	
Contingent emergency .....		39,000	+39,000
RDT&E, Defense-Wide (emergency) .....	74,700	52,000	—22,700
Contingent emergency .....		20,000	+20,000
General Provisions:			
General Transfer Authority (sec. 305) .....	(1,000,000)		(—1,000,000)
MH-47 Helicopters (contingent emergency) (sec. 308) .....		93,000	+93,000
Chemical Demil (contingent emergency) (sec. 309) .....		100,000	+100,000
Rescissions (sec. 310) .....		—59,000	—59,000
Total, chapter 3 .....	14,022,000	15,769,462	+1,747,462
<b>CHAPTER 4 DISTRICT OF COLUMBIA DISTRICT OF COLUMBIA FUNDS Operating Expenses</b>			
Division of Expenses:			
Public education system (rescission) .....		(—37,000)	(—37,000)
Human Support Services:			
Child and Family Services Agency .....		(11,000)	(+11,000)
Department of Mental Health .....		(26,000)	(+26,000)
Repayment of loans and interest (rescission) .....		(—7,950)	(—7,950)
Certificates of participation .....		(7,950)	(+7,950)
Total, chapter 4 .....			
<b>CHAPTER 5 DEPARTMENT OF DEFENSE—CIVIL DEPARTMENT OF THE ARMY</b>			
Corps of Engineers—Civil: Operation and Maintenance, General (contingent emergency) .....		128,400	+128,400

## H.R. 4775—2002 SUPPLEMENTAL APPROPRIATIONS ACT—Continued

(Dollars in thousands)

	Budget request	Recommended in bill	Bill compared with request
<b>DEPARTMENT OF ENERGY</b>			
Energy Programs: Science (contingent emergency) .....		29,000	+29,000
National Nuclear Security Administration:			
Weapons Activities (emergency) .....	19,400	19,400	
Contingent emergency .....		106,000	+106,000
Defense Nuclear Nonproliferation (contingent emergency) .....		5,000	+5,000
Environmental and Other Defense Activities:			
Defense Environmental Restoration and Waste Management (contingent emergency) .....		67,000	+67,000
Defense Facilities Closure Projects (contingent emergency) .....		16,600	+16,600
Other Defense Activities (emergency) .....	7,000	7,000	
Total, chapter 5 .....	26,400	378,400	+352,000
<b>CHAPTER 6</b>			
<b>BILATERAL ECONOMIC ASSISTANCE</b>			
Funds Appropriated to the President			
United States Agency for International Development:			
Child Survival and Health Programs Fund (contingent emergency) .....		200,000	+200,000
International Disaster Assistance (emergency) .....	40,000		—40,000
Contingent emergency .....		190,000	+190,000
Operating Expenses of the United States Agency for International Development (emergency) .....	7,000	7,000	
Other Bilateral Economic Assistance:			
Economic Support Fund (emergency) .....	525,000	460,000	—65,000
Contingent emergency .....		250,000	+250,000
Assistance for the Independent States of the Former Soviet Union (emergency) .....	110,000	110,000	
Department of State:			
International Narcotics Control and Law Enforcement (emergency) .....	114,000	120,000	+6,000
Migration & Refugee Assistance (contingent emergency) .....		10,000	+10,000
Nonproliferation, Anti-Terrorism, Demining and Related Programs (emergency) .....	83,000	83,000	
<b>MILITARY ASSISTANCE</b>			
Funds Appropriated to the President:			
Foreign Military Financing Program (emergency) .....	372,500	366,500	—6,000
Peacekeeping Operations (emergency) .....	28,000	20,000	—8,000
<b>MULTILATERAL ECONOMIC ASSISTANCE</b>			
Funds Appropriated to the President: Special Payments to the International Financial Institutions (rescission) .....	—157,000	—159,000	—2,000
General Provisions: Rescission (sec. 602) .....		—60,000	—60,000
Total, chapter 6 .....	1,122,500	1,597,500	+475,000
<b>CHAPTER 7</b>			
<b>DEPARTMENT OF THE INTERIOR</b>			
Bureau of Land Management: Management of Lands & Resources (contingent emergency) .....		658	+658
United States Fish and Wildlife Service: Resource Management (contingent emergency) .....		1,443	+1,443
National Park Service:			
Operation of the National Park System (contingent emergency) .....		1,173	+1,173
Construction (contingent emergency) .....		19,300	+19,300
United States Geological Survey: Surveys, Investigations, and Research (contingent emergency) .....		25,700	+25,700
Bureau of Indian Affairs:			
Operation of Indian Programs (contingent emergency) .....		134	+134
Rescission .....	—10,000	—5,000	+5,000
Indian trust fund management litigation .....			
Departmental Offices: Departmental Management: Salaries and expenses (contingent emergency) .....		905	+905
<b>RELATED AGENCY</b>			
Smithsonian Institution:			
Salaries and expenses (contingent emergency) .....		11,000	+11,000
Construction (contingent emergency) .....		2,000	+2,000
Total, chapter 7 .....	—10,000	57,313	+67,313
<b>CHAPTER 8</b>			
<b>DEPARTMENT OF LABOR</b>			
Employment and Training Administration: Training & Employment Services (contingent emergency) .....	750,000	300,000	—450,000
<b>DEPARTMENT OF HEALTH AND HUMAN SERVICES</b>			
Health Resources and Services Administration: Health Resources and Services (rescission) .....	—20,000		+20,000
Centers for Disease Control and Prevention: Disease Control, Research, and Training (contingent emergency) .....		1,000	+1,000
National Institutes of Health: Buildings and facilities (rescission) .....	—30,000	—30,000	
Administration for Children and Families: Children and Families Services Programs (contingent emergency) .....		500	+500
<b>DEPARTMENT OF EDUCATION</b>			
Student Financial Assistance .....	1,276,000	1,000,000	—276,000
Total, chapter 8 .....	1,976,000	1,271,500	—704,500
<b>CHAPTER 9</b>			
<b>LEGISLATIVE BRANCH</b>			
House of Representatives			
Committee Employees: Standing Committees, Special and Select .....		1,600	+1,600
Library of Congress: Copyright Office: Salaries and expenses (emergency) .....	7,500	7,500	
<b>Joint Items</b>			
Capitol Police Board			
Capitol Police: General Expenses (contingent emergency) .....		16,100	+16,100
Total, chapter 9 .....	7,500	25,200	+17,700
<b>CHAPTER 10</b>			
<b>DEPARTMENT OF DEFENSE</b>			
Military Construction, Air Force (contingent emergency) .....		8,505	+8,505
Military Construction, Defense-wide (contingent emergency) .....		21,500	+21,500
Total, chapter 10 .....		30,005	+30,005
<b>CHAPTER 11</b>			
<b>DEPARTMENT OF TRANSPORTATION</b>			
Office of the Secretary: Transportation Administrative Service Center (obligation limitation) .....	(128,123)	(128,123)	
Transportation Security Administration: Salaries and expenses (emergency) .....	2,455,000	2,305,000	—150,000
Contingent emergency .....	1,945,000	1,545,000	—400,000
Total, chapter 11 .....	4,400,000	3,850,000	—550,000
U.S. Coast Guard: Operating Expenses (emergency) .....	189,000	189,000	
Contingent emergency .....		21,000	+21,000

## H.R. 4775—2002 SUPPLEMENTAL APPROPRIATIONS ACT—Continued

(Dollars in thousands)

	Budget request	Recommended in bill	Bill compared with request
Acquisition, Construction, & Improvements (emergency) .....	189,000	210,000	+21,000
Contingent emergency .....	66,000	66,000	.....
	.....	12,000	+12,000
Federal Aviation Administration:	66,000	78,000	+12,000
Operations (transfer authority) .....	(100,000)	(25,000)	(- 75,000)
Grants-in-aid for airports (contingent emergency) .....	.....	200,000	+200,000
Federal Highway Administration: Federal-Aid Highways, Emergency Relief Program (Highway trust fund) (emergency) .....	167,000	167,000	.....
Federal Motor Carrier Safety Administration:	19,300	19,300	.....
Border Enforcement Program (Highway trust fund) (emergency) .....	.....	5,000	+5,000
Hazardous materials security (Highway trust fund) (contingent emergency) .....	.....	.....	.....
	19,300	24,300	+5,000
Federal Transit Administration: Capital Investment Grants (emergency) .....	1,800,000	1,800,000	.....
Research and Special Programs Administration: Research and Special Programs (emergency) .....	3,500	.....	- 3,500
General Provisions:	.....	.....	.....
Airline loan program limitation (sec. 1103) .....	.....	- 393,000	- 393,000
Air carrier compensation (sec. 1104) (rescission) .....	.....	- 250,000	- 250,000
Total, chapter 11 .....	6,644,800	5,686,300	- 958,500
CHAPTER 12			
DEPARTMENT OF THE TREASURY			
Federal Law Enforcement Training Center (contingent emergency) .....	.....	15,870	+15,870
Financial Management Service (sec. 1201) (rescission) .....	.....	- 14,000	- 14,000
Internal Revenue Service: Business Systems Modernization (sec. 1201) .....	.....	14,000	+14,000
United States Secret Service (contingent emergency) .....	.....	46,750	+46,750
POSTAL SERVICE			
Payment to the Postal Service Fund (emergency) .....	87,000	87,000	.....
EXECUTIVE OFFICE OF THE PRESIDENT AND FUNDS			
Appropriated to the President:	.....	.....	.....
Office of Administration (emergency) .....	5,000	.....	- 5,000
Office of Management and Budget (rescission) .....	.....	- 750	- 750
Election Administration Reform and Related Expenses .....	.....	450,000	+450,000
INDEPENDENT AGENCIES			
Federal Election Commission .....	.....	750	+750
GENERAL SERVICES ADMINISTRATION			
Real Property Activities: Federal Buildings Fund (emergency) .....	51,800	51,800	.....
General Activities: Policy and Operations (emergency) .....	2,500	.....	- 2,500
Total, chapter 12 .....	146,300	651,420	+505,120
CHAPTER 13			
DEPARTMENT OF VETERANS AFFAIRS			
Veterans Health Administration:	.....	.....	.....
Medical Care .....	142,000	417,000	+275,000
Medical and Prosthetic Research (rescission) .....	- 5,000	.....	+5,000
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT			
Public and Indian Housing: Housing certificate fund (rescission) .....	.....	- 300,000	- 300,000
Community Planning and Development:	.....	.....	.....
Rural Housing and Economic Development (rescission) .....	- 20,000	.....	+20,000
Community Development Fund (emergency) .....	750,000	750,000	.....
Housing Programs: Rental Housing Assistance (rescission) .....	.....	- 300,000	- 300,000
INDEPENDENT AGENCIES			
DEPARTMENT OF HEALTH AND HUMAN SERVICES			
National Institute of Health: National Institute of Environmental Health Sciences (emergency) .....	.....	8,000	+8,000
Agency for Toxic Substances and Disease Registry: Salaries and expenses (emergency) .....	.....	11,300	+11,300
Environmental Protection Agency: Hazardous Substance Superfund (emergency) .....	12,500	.....	- 12,500
Federal Emergency Management Agency:	.....	.....	.....
Disaster relief (emergency) .....	2,750,000	2,750,000	.....
Disaster assistance for unmet needs (contingent emergency) .....	.....	23,320	+23,320
Emergency management planning & assistance (emergency) .....	326,728	151,700	- 175,028
National Science Foundation: Education and Human Resources (emergency) .....	19,300	.....	- 19,300
Total, chapter 13 .....	3,975,528	3,511,320	- 464,208
Grand total (net) .....	28,404,644	29,386,894	+982,250
Appropriations .....	(1,513,300)	(1,975,350)	(+462,050)
Emergency appropriations .....	(24,447,344)	(24,091,099)	(- 356,245)
Contingent emergency appropriations .....	(2,695,000)	(5,341,195)	(+2,646,195)
Rescissions .....	(- 251,000)	(- 1,177,750)	(- 926,750)
Offsets .....	.....	(- 843,000)	(- 843,000)

Mr. Chairman, I reserve the balance of my time.

Mr. OBEY. Mr. Chairman, I yield myself 10 minutes.

Mr. Chairman, I wanted to first of all congratulate the chairman of the committee, the gentleman from Florida (Mr. YOUNG), for doing his usual good job in trying to produce a bipartisan bill.

As members of the committee know, our committee worked for 6 weeks and produced a bipartisan bill. And I want to tell you some of the things that it did to correct some of the chaos that we see in some of the agencies that are dealing with counterterrorism.

We found out that the Department of Energy had asked for \$380 million to upgrade security so that weapons of mass destruction and nuclear material would be less susceptible either to terrorist attack or theft. OMB only approved 7 percent of that money. The committee provided the amount that was needed.

We also discovered that the Immigration and Naturalization Service had asked for \$52 million because they had the reasonable idea that we ought to be able to determine which immigrants, or which persons here on visas I should say, had overstayed their visas; visas had expired; they had been asked to

leave the country and, yet, had refused to do so. The INS wanted \$52 million to set up a system to stop that nonsense. The OMB denied it all. The committee put in enough money to deal with the problem.

The FBI, the gentleman from Florida (Mr. YOUNG) has indicated that we discovered after September 11, the FBI had a great need for computer modernization. We discovered, for instance, that less than half the computers at the FBI could be used to send a picture of a suspected terrorist from one FBI office to another around the country. So last year, over the threat of a veto by the President of the United States,



we inserted enough money to see to it that that problem was corrected. As a result, Operation Trilogy will be up and running by the end of this summer, and we will have that capacity at the FBI.

In January, the FBI asked for an additional \$635 million to secure their records and to take other actions necessary to protect against terrorism. OMB denied 625 of the \$635 million, and the committee corrected that. In the last bill last year, we provided enough funds so that the Corps of Engineers could provide additional security for the hundred most vulnerable Federal sites in the country. The Corps of Engineers asked for an additional \$128 million to deal with threats to additional sites. OMB denied it. The committee moved to take care of it.

We also saw the chaos at the Transportation Security Administration, very well described in the committee report. That planning has been so bad that the agency, for instance, suggested that we ought to be paying the guards who are looking over the shoulders of screeners at airports up to \$84,000 a year, more than local mayors, more than airport directors would be paid in those same towns. It provided for 650 additional headquarters staff people here in Washington. And yet the budget request provided no money to house the new screening equipment that airports are supposed to install. So there would have been no way that we could have met the deadlines for having that equipment up and running. And the administration requested insufficient dollars to make certain that cockpit doors are fully secure by the end of the calendar year.

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So the committee took actions to correct that.

The OMB also turned down the request from the Department of Defense for \$790 million to avoid the demobilizing of 20 percent of the Guard and Reserve forces who presently are filling slots on the border, in ports, on a temporary basis until people can be trained to take their place, and the committee took action to fix that problem. So I think that we had a good bipartisan product.

Now, there were problems with the bill after it emerged from the full committee. We did have an amendment offered by the distinguished majority whip, the gentleman from Texas (Mr. DELAY), which gave the President the authority to use our military forces to invade The Netherlands, if necessary, in order to extract Americans who might be held by the World Court.

I have a chart here labeled TOM DELAY's Proposed Invasion of The Netherlands. Gives you some idea of where The Hague is and what will be required by way of carrier capacity, tanker capacity, if we were to invade The Netherlands. If somebody wants to take that seriously, feel free. I think that it leaves us open to considerable

ridicule. But in spite of that I was willing to support this bill. But then we had the leadership attach this ridiculous rule to this bill which provided a convenient device by which the Nation's indebtedness could be raised by \$750 billion without any Member ever having voted on it directly, and they also imposed the House budget resolution, which will mean, I guarantee you, we will not have enough resources to produce appropriation bills that the House will pass.

So we have seen again, and this has happened often in this House, we have seen an original bipartisan piece of legislation emerge from this committee, and we have seen it fundamentally screwed up by adding extraneous items that have no business on an appropriations bill.

So I think we are going to be here a long time because some of us feel that the ability of the House to proceed in an orderly and fair-minded fashion is worth arguing about, and we will be doing that through a series of actions that we will be taking and amendments that we will be offering.

I do ask one additional question. As I said, we have had 116 of our Republican friends offer a resolution requiring that a three-fifths vote of this House be required in order to raise the indebtedness of the United States, and yet we have seen this flip-flop action here today, and I would ask the following Members, Representatives ADERHOLT, BACHUS, BARR, BARTON, BILIRAKIS, BLUNT, BONO, BRADY, BRYANT, CALVERT, CANTOR, CHABOT, CRANE, CULBERSON, DELAY, DOOLITTLE, DUNN, ENGLISH, FORBES, GEKAS, GOODLATTE, GRAVES, HAYWORTH, HERGER, BAKER, BARTLETT, BASS, BOEHNER, I can't read that signature, CANNON, CASTLE, CHAMBLISS, CUNNINGHAM, DEAL, DEMINT, DUNCAN, and all the others whose names I put in the RECORD earlier, I would ask them how they can go home to their constituents and tell them that they are going to vote to require a new higher threshold of votes on this House before the Nation can be plunged into more indebtedness and then engage in the flip-flop that they engaged in today whereby they have guaranteed that we will see a huge increase in national indebtedness when this bill comes back from the Senate?

I find that to be quaint and interesting.

Mr. Chairman, I reserve the balance of my time.

Mr. YOUNG of Florida. Mr. Chairman, I yield 4 minutes to the distinguished gentleman from Georgia (Mr. KINGSTON), a member of the committee.

Mr. KINGSTON. Mr. Chairman, I thank the gentleman from Florida (Mr. YOUNG) for allowing me to speak tonight and I stand in support of this bill.

This bill does 3 things, and it all goes back to that horrible day, 9/11. This bill continues the war on terrorism. This bill continues the battle for homeland

security, and it helps rebuild our beloved national city of New York.

Just remember, the American people will never forget September 11 and what this Congress has done immediately after 9/11 to start the battle. We will never forget the brave who died. We committed ourselves almost immediately to make sure that Osama bin Laden and all the terrorists around the globe would not be victorious.

This bill tonight is part of that battle. This bill has \$15.77 billion to support our troops, and I had the opportunity, with the gentleman from Arizona (Mr. KOLBE), the chairman of the Subcommittee on Foreign Operations, Export Financing and Related Programs of the Committee on Appropriations, to go on a bipartisan basis to Afghanistan. We went to Uzbekistan, Tajikistan and Pakistan. We visited 4 of our bases, and we met with our troops, we met with Afghan soldiers, and I can say that they appreciate what the United States of America is doing. They are happy that we are there.

Their biggest concern is will we stay committed, and this bill tonight helps show the world that we are committed, not just behind our troops but behind the people over there so they can have a secure future. But the battle is not just in central Asia; it is all over the streets of America.

So the second thing this bill does is help secure our homeland. One of the things that it does is work with local law enforcement personnel to track down any potential suspicious terrorists or activities on a local level. This bill also helps secure everybody who is traveling; \$850 million to help check for baggage, explosives and detection systems; \$630 million for baggage screeners; \$75 million for security enhancements at U.S. ports. And I just want to talk about this.

Not all of us are traveling. Prior to 9/11 there were 1.2 million Americans in the air at any given day. Nowadays it is about 800,000, and what this does is it secures our airlines even further, but also our ports.

I am from Savannah. Last year in Savannah, we had 1 million containers come in. Of the 1 million, only 1 percent were actually screened and checked as to what their contents were. This bill helps expand that so that our ports can be secure.

It also strengthens our communities for any other disasters, working with EMS facilities and giving the local hospitals the support that they need and the expertise.

Our war against terrorism is not going to be over until every city in America is safe. As somebody told me, this war is about making sure we can go to Wal-Mart and not have to worry, and I think that that is something we all have to keep in mind.

Finally, in this bill is \$5.5 billion to help rebuild the great New York City, and that is going to be a long job, and I think it is certainly in the national interest to do so.

There are some other things in this bill that are less high profile but very important, and one of the things is there is \$1.6 million for additional staff and resources for the Permanent Select Committee on Intelligence, and one of the issues that has come up recently is do we need a blue ribbon committee to study what went wrong on 9/11 and how can we do a better job.

Well, this bill addresses that because we already have an existing intelligence committee. It is bipartisan. One chairman is BOB GRAHAM of Florida, a Democrat. Another chairman is the gentleman from Florida (Mr. GOSS), a Republican. A bipartisan committee that has been working since January to look into 9/11. It is bicameral, Senate and House together, and it is comprised of experts. This bill addresses that, and I urge my colleagues to support this legislation.

Mr. OBEY. Mr. Chairman, I yield 5½ minutes to the distinguished gentleman from New York (Mrs. LOWEY).

Mrs. LOWEY. Mr. Chairman, I thank the ranking member for yielding me the time, and I also want to take the opportunity to thank our chairman of the committee, and to me it has been a pleasure to work with the gentleman from Arizona (Mr. KOLBE), the chairman of the Subcommittee on Foreign Operations, Export Financing and Related Programs, and I rise to address the foreign operations component of this bill.

The foreign operations portion of the supplemental contains \$1.6 billion for various priorities and provides for the vast majority of the administration's requests. I am particularly pleased that the committee did not grant the broad waivers sought by the administration along with these funds but, rather, included specific waivers where appropriate.

This bill will give the President the broad latitude and flexibility that he sought to carry out the war on terrorism. While many have expressed concern that unnecessary funds for foreign operations were added to the bill, in excess of the President's request, I believe the funding added by this committee is extremely important.

In light of the fact that the committee received few details as to how the funding requested will actually be spent, we were well within our discretion to provide what we thought was necessary. I strongly support the additional funding in this bill for rebuilding Afghanistan, a long-term commitment we simply cannot shortchange, and I also support the additional funds provided for Israel.

The bill contains both military and economic assistance to a number of countries outside the immediate area of Afghanistan, such as the Philippines, Georgia and Yemen, where United States troops are or will be engaged in training indigenous forces to combat terrorism. The committee has approved funding in these instances with the clear expectation that the ad-

ministration will keep Congress fully informed of any change or expansion in the role of the United States forces. I hope this will indeed be the case.

As I said before, I strongly support the additional assistance to Israel that is included in this bill. Maintaining Israel's security and stability has long been a fundamental priority of the United States foreign policy. Israel has devoted precious resources to fighting the terror that continues to threaten its own citizens, 3 of whom were murdered just this week by suicide bombers, and the country is a key democratic ally in our war against terror.

This funding originally requested by the State Department as part of its supplemental request to OMB is essential to ensure our key partner in the Middle East remains strong. I urge my colleagues to oppose amendments to cut this funding.

I would like to take a moment to discuss 2 specific items of concern. First, the current status of fiscal year 2002 funds for the United Nations Population Fund. The conference agreement on the fiscal year 2002 foreign operations bill provided \$34 million for the organization, a deal that was painstakingly negotiated. The administration knew about our negotiations, and after the bill passed the House by an overwhelming margin, the President signed it on January 10, 2002.

Only after signing the bill did the administration express concern about as-yet unproven allegations that UNFPA supported coercive family planning practices in China in violation of U.S. law. In a direct challenge to clear congressional direction, the President waited 5 months to even investigate these claims, and UNFPA was forced to cut its staff and curtail its life-saving programs around the world.

During committee consideration of this bill, the gentleman from Arizona (Mr. KOLBE) and I offered an amendment which would have ensured that UNFPA received the funds intended for it by July 10, 7 months after the signing of the bill, unless the President determines that the organization is in violation of the U.S. law.

I am deeply disappointed that the Committee on Rules left this provision and another dealing with UNFPA unprotected. In my judgment, it was inappropriate to single out this particular issue while allowing the bill to come to the floor with highly controversial provisions regarding the International Criminal Court, the budget resolution and Medicare provider payments.

I anticipate the Senate bill will have something to say about UNFPA, and I look forward to discussing it in conference.

I am also disappointed that the rule did not allow me to offer an amendment increasing funding to address the global AIDS crisis. While this bill already contains \$200 million for HIV/AIDS, a clear indication that Congress recognizes the emergency nature of the

crisis, we can and should be doing more. Applications to the Global Fund to Combat Infectious Diseases have far exceeded the fund's resources, and this situation will only get worse as time goes by. Our own bilateral programs, while highly effective, will reach 25 percent of affected areas.

□ 1915

Our response to this tragedy must be as expansive as the pandemic itself so that we stop the wholesale destruction that AIDS is causing in Africa and will cause in other areas around the world.

As a global leader, we have the responsibility to take the initiative, jolting other donors into contributing more. Again, I anticipate that the Senate bill will far exceed ours, and I look forward to discussing this in conference as well.

Mr. YOUNG of Florida. Mr. Chairman, I yield 4 minutes to the gentleman from Kentucky (Mr. ROGERS), the distinguished chairman of the Subcommittee on Transportation of the Committee on Appropriations.

Mr. ROGERS of Kentucky. Mr. Chairman, I thank the chairman for yielding me this time, and I rise in support of the bill.

This bill provides much-needed appropriations for the Department of Transportation, particularly the new Transportation Security Administration and the U.S. Coast Guard. The bill also provides \$1.8 billion in additional expenses for the City of New York to address its transit needs in the wake of 9-11. And I am pleased that we were able to provide the vast majority of requested funds for all DOT agencies, except the TSA; and that is a special case.

The administration requested \$4.4 billion in supplemental funds, but the request made a curious statement. It admitted that OMB did not have a clue whether or not \$1.9 billion, almost half of the amount, was necessary. It asked Congress to write a blank check for that amount and let OMB figure it out later. Well, Mr. Chairman, that is not the way we do things on the Committee on Appropriations. We expect the administration to justify their request, all of it, in great detail. While some of that material is now being developed and being presented, it is clear much more work remains to be done. Because of that lack of supporting justification, the committee was unable to support the full request for contingency emergency funding for TSA.

Members should know that unless a change in direction is made, the TSA will be monstrous in size. When this agency was established last year, we thought we were creating an agency of about 33,000 people. The current estimate now is almost 70,000. We are planning to create a vast army of new Federal workers, some of whom would do nothing more than check your driver's license and airplane ticket or run your shoes over to an x-ray machine and bring them back to you. TSA plans to

hire over 3,000 people just to sit in a chair and make sure someone does not run the wrong way down an exit lane.

Mr. Chairman, there has to be a better way. I do not intend to recommend funds for a 70,000-man bureaucracy full of shoe runners and exit-lane watchers. Technology can obviate the need for thousands of these positions, and others are not the purview of TSA or simply not essential. So I believe strongly that TSA needs to look more carefully at its growth plans, and I will continue to press them as the fiscal year 2003 appropriations process unfolds.

This supplemental bill asks TSA to begin that review now. We provide full funding for the procurement and installation of bond detection systems at airports. In fact, we even raise those funds because the request, we thought, was inadequate. But we have not provided funds to build up that 70,000-man agency. The bill caps staffing at no more than 45,000 full-time positions. I believe that anyone who reviews TSA's plans in detail, as I have, will conclude that this is sufficient for the first year of that agency. In fact, it is about twice the number of people who were performing screening activities just 1 year ago.

I am pleased that the bill provides even more funding than requested by the Coast Guard, an agency on the front line of the fight for homeland security. We provide the FAA flexibility to address operating budget shortfalls which stem from extra security expenses at air traffic control facilities, and we provide additional funds for review of truck drivers who apply to drive hazardous materials within the country. These are all vitally needed transportation security improvements, and I am pleased we were able to fund them, especially given the tight budget constraints placed on us in this bill.

Mr. Chairman, I think this is a good bill given the constraints placed on the committee, and I ask Members to support it.

Mr. OBEY. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from California (Mr. FARR).

Mr. FARR of California. Mr. Chairman, I rise with some concern about the process here in the United States House of Representatives. I am a proud member of the Committee on Appropriations, and I am proud of the work we do there. I am also very proud of the Chair, who I think manages that committee very fairly. But something happened on the way through the process here that stinks.

The committee worked very hard to try to pay for the needed costs of what has happened in this country since we were here last year, the unexpected costs; and that is why this bill is needed. This is an emergency bill. It provides additional funds to pay for essentially contingencies that were not anticipated; and as we have heard, 9-11 is the biggest of those. But also there is an old adage here that says this is the only train that is going to make it all

the way to the White House, and if you want to be on that train, you better load up.

I think that the committee did a good job of making sure that this was not a big pork process and that it did not load up too much; and that is always a tough bipartisan effort to put out a good bill. But after the bill was put out of the committee, it went to the Committee on Rules, and there the word came down that this bill was going to be beefed up. It was going to be loaded up, and it was going to take care of the political problems that certain Members of this House were having.

I am from California, and we all know that California is facing a big financial problem. It is in debt. It is a big State, the biggest producer of taxes in the United States, and the biggest contributor of taxes to the Federal Government. It is a State that probably can take credit for the surge in the economy in the last decade, and a State that was hardest hit in the recession, particularly to the dot-com industry that was such a success.

So that is why the State is in debt. Its revenues just did not meet expectations. It had incredible costs to pay for energy, costs that we are now seeing were not the State's problem, but a manipulation of the market by the private sector. Yet we find in California that we have a lot of hard-liners who feel that we ought to have constitutional amendments on requiring a balanced budget, as we do in California. The State is not allowed to go into debt; and, therefore, the legislature, at this moment, is cutting like mad and in fact doing some tough political things in an election year. They are even raising some new revenue.

But Members of the California delegation who are here in the other party have come out in signing a resolution, H.J. Res. 86, introduced this year, to amend the United States Constitution to require a two-thirds vote if we are to raise the debt limit. But guess what, they are the ones, the first ones to criticize a Democratic Governor in California and then turn around in this House, put their name on a resolution to require a constitutional amendment to do the same as California.

But this bill, because of the way it was amended in the Committee on Rules, it allows them to essentially duck a vote on the debt increase, a huge debt increase, of the Federal Government. We have a dozen Republicans from California that are coauthors of that bill who now run away from the responsibility of having a balanced budget to allow the United States Government to go into a big deficit. That is wrong. It is the wrong way to handle this emergency appropriations bill.

We will see in the debate tonight a sort of in-your-face; that if you do not vote for this bill, you are not voting for the soldiers; if you do not vote for the bill, you are not voting for the firemen; if you do not vote for this bill, you are

not voting for a half dozen other particular interests out there. That is not the reason why a lot of people are going to vote against this bill. The reason is that this process has been corrupted by essentially hijacking a legitimate bill and making it a bill with all kinds of other political riders on it, the kind of process that we around here always complain about; that we ought to be fair and open and full of transparency. The process was hijacked. And it is not the fault of the appropriators; it is not the fault of the good work of the Committee on Appropriations. It is the fault of the Committee on Rules taking mandates from Republican leadership. That is wrong.

I just hope that tonight, as the debate goes on, that people realize this was a good bill, put out by a good committee, and it was hijacked along the way to do wrong for the United States and to do evil in the budgetary process. This essentially takes money that is in our Social Security account, takes money that is in the Medicare account and requires those monies to be spent on things that should not be spent on by those accounts.

Mr. YOUNG of Florida. Mr. Chairman, I yield 4 minutes to the distinguished gentleman from Alabama (Mr. CALLAHAN), the chairman of the Subcommittee on Energy and Water.

(Mr. CALLAHAN asked and was given permission to revise and extend his remarks.)

Mr. CALLAHAN. Mr. Chairman, I thank the gentleman for yielding me this time.

First, let me say I have great admiration for the chairman, the gentleman from Florida (Mr. YOUNG), and for the efforts he has put into this bill, as well as those of the gentleman from Wisconsin (Mr. OBEY) representing the minority of this House.

Secondly, as I approach the last year of my tenure here in the Congress of the United States, I just want to tell my colleagues that today is a classic example of how great this institution is. In America and in every democracy, a majority rules. Just a few minutes ago I was in the well of this House arguing against something on a principle that I believe very deeply in, and I lost, because a majority rules. When this bill passes it will be because a majority of us will vote for it. And if a majority votes for it, it will go on to the Senate.

But this is a great institution, filled with great people, with great minds, with great Americans, who have one thing in common, and that is we all want to do what is best for America.

As I listen to the debate on this floor each week, I hear the Democrats on the one hand saying this is not the right avenue to take. And I hear my majority Republican Party saying this is the avenue we should take. But very seldom do we have different destinations. We are all trying to get to the same corner of the room. Now, the Democrats, in many cases, choose to go to

the left to get there; and the Republicans choose to go to the right to get to, guess what, the same destination.

There is no doubt that we want to do everything we possibly can in this war on terrorism. There is no doubt that we all want to support the President of the United States to make certain that the administration has ample facilities and ample resources to provide the services they need to provide to the American people. It is only right that we disagree, but it is only right that a majority rules. And while I was defeated in my quest to change the rule to move in a different direction, a majority of the Members of this House voted to tell me that they disagreed with me, and I respect that.

I will have amendments tonight to change the direction of this bill, amendments that will reduce some sections of this bill I do not like. But guess what, I have \$378 million for energy and water in this bill, which is vitally needed by the areas of government that my committee has jurisdiction over. There are so many good things in this bill, and there are a few things that I wish were not in there. So a majority should prevail there too, Mr. Chairman.

As we debate this issue tonight to decide whether we ought to vote "yes" or "no" on final passage, we weigh the good over the bad. And while these are some things that I disagree with in here, the good in this particular case outweighs the bad.

So as I leave, I respect this institution. I respect all of my colleagues. I respect the great tradition of this House. And I respect that we live in a democracy where we can differ, but, nevertheless, in a democracy where a majority rules. And that is what America is all about.

Mr. OBEY. Mr. Chairman, I yield 3 minutes to the gentleman from Georgia (Mr. LEWIS), the distinguished deputy whip.

Mr. LEWIS of Georgia. Mr. Chairman, I want to thank my friend and my colleague, the gentleman from Wisconsin (Mr. OBEY), for yielding me this time.

This evening, I rise in strong opposition to raising the debt limit.

□ 1930

The Republicans are trying to sneak in a provision that increases the debt ceiling without a full, fair, open and honest debate. Apparently the other side, the majority party, are hiding something. What are they hiding? What is the great secret?

The American people deserve to know that the funds for a debt limit increase will come directly from the Social Security trust fund. We need to protect Social Security and ensure that we meet our obligations today. Instead, the majority party, the Republicans, are stealing from the Social Security trust fund and increasing our national debt every chance they get. For the next 10 years, we will increase

the debt by more than \$300 billion. Something is wrong with that.

This party, the Republicans, are mortgaging the future of our children. They are ripping away the safety for our Nation's seniors. Increasing the debt limit is like increasing the credit limit on your credit card. What does this do? It just puts you in a deeper and deeper hole. That is what the Republicans are doing. So do not be fooled. They are putting us in deeper debt and it is their obligation to get us out of it. We should not spend Social Security on anything other than Social Security. American families work hard to pay into a system that they should be able to count on when they retire. Social Security is a sacred trust, a sacred covenant between the American people and our government. We must never, never, ever take away the security out of Social Security. Let us keep our promise to the American people.

Mr. YOUNG of Florida. Mr. Chairman, I yield 1 minute to the gentleman from Ohio (Mr. REGULA), the distinguished chairman of the Subcommittee on Labor, Health and Human Services and Education.

(Mr. REGULA asked and was given permission to revise and extend his remarks.)

Mr. REGULA. I thank the gentleman for yielding me this time.

Mr. Chairman, I want to point out to my colleagues that this bill contains \$1 billion for the Pell grants. Why? Because more Americans are seeking these grants. This amount ensures that every qualified student applicant will receive a Pell grant and this can spell the difference of more opportunities for a better job and a chance to participate more fully in the American dream. I think it is vitally important that we approve the legislation with this particular feature in the bill.

Mr. YOUNG of Florida. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Virginia (Mr. WOLF), chairman of the Subcommittee on Commerce, Justice, State and Judiciary.

Mr. WOLF. Mr. Chairman, I rise in strong support of this legislation. The bill includes \$112 million for the FBI, which is \$102 million above the request of the administration; but it will help the FBI do what they have to do. The recommendation also includes \$10 million for the foreign terrorist tracking task force, a multiagency effort to prevent terrorists from coming into the country. We certainly need that as quickly as possible.

\$75 million is recommended for the INS, \$40 million above the request. Again the administration was low in its request. You cannot complain about the INS and then not fund its necessary programs, including \$49 million to address the shortfall in the immigration inspection account; \$25 million to bolster efforts to track and apprehend people who have absconded on deportation orders; and \$1 million to continue development of an entry-exit system.

The bill also has \$175 million for the Justice Department for State and local first responder equipment, training and planning needs. This funding is provided to the Department of Justice as authorized by the USA Patriot instead of being provided to FEMA as requested.

For the State Department and the Broadcasting Board of Governors, the bill includes a total of \$337 million for critical embassy security and public diplomacy needs. After September 11, a lot of attention has been paid to the inadequacy of public diplomacy efforts. We are not doing an adequate job of telling America's story to the world and communicating effectively with the foreign public. To improve this effort, the bill includes \$52.6 million for information, exchange and broadcasting programs of the State Department and the Broadcasting Board of Governors, \$27.7 million above the request. The amount also includes \$17.5 million for information programs, \$20 million for international exchange programs, \$7.4 million for the continuation of the Radio Free Afghanistan, and \$7.7 million to expand the reach of the Middle East Radio Network.

Then in closing, the bill also includes \$20 million for 100 additional positions at the SEC to address the immediate and urgent need for increased oversight of the accounting industry.

Finally, the bill includes a provision authorizing the closed circuit transmission of the Moussaoui trial to victims of the September 11 attacks, and we also provide the requisite funding for that.

Mr. Chairman, this is a very important and an emergency issue. I urge quick passage of the bill, hopefully through the Senate and to the President for his signature.

Mr. OBEY. Mr. Chairman, I yield 2 minutes to the gentleman from Washington (Mr. DICKS).

Mr. DICKS. Mr. Chairman, I rise to engage in a colloquy with the gentleman from Virginia (Mr. WOLF) and the gentleman from New York (Mr. SERRANO) concerning INS fee collections.

Mr. WOLF. Mr. Chairman, will the gentleman yield?

Mr. DICKS. I yield to the gentleman from Virginia.

Mr. WOLF. I would be pleased to engage in a colloquy with the gentleman from Washington and the gentleman from New York.

Mr. DICKS. Mr. Chairman, the fiscal year 2002 Commerce Justice State appropriations bill authorizes the Attorney General to charge and collect a \$3 fee per individual for immigration inspection and preinspection activities related to commercial ships.

It is my understanding that it was not the intent of this provision to levy additional costs on regularized commuter ferry traffic between foreign countries and the United States and that it was this concern that led the committee to include an exemption for

ferries operating on the Great Lakes between Canada and the United States in the legislation. I would like to bring to the committee's attention another region of the United States that I believe should be provided an exemption from this fee. Several passenger ferries operate between Washington State and Canada carrying passengers, cars and freight daily between the two countries. The new fee would significantly increase ferry ticket prices charged to commuters and businesses.

It had been my intent to offer an amendment to this bill exempting certain ferry vessels from this fee. However, the committee has indicated that it would prefer to deal with this issue comprehensively in the fiscal year 2003 Commerce Justice State appropriations bill. I would like to ask the gentleman from Virginia and the gentleman from New York if my understanding accurately reflects their intention.

Mr. WOLF. I would say, Mr. Chairman, the gentleman from Washington is absolutely correct. It was our intent to differentiate these commuter vessels from cruise ships. As part of the fiscal year 2003 appropriation process, we absolutely will explore legislative exemptions to ensure that the fee does not have unintended consequences. I thank the gentleman for bringing this to our attention. We will take care of it.

Mr. SERRANO. Mr. Chairman, will the gentleman yield?

Mr. DICKS. I yield to the gentleman from New York.

Mr. SERRANO. I agree with the gentleman from Virginia and look forward to working with him and the gentleman from Washington to ensure that this fee is fairly and equitably imposed.

Mr. DICKS. Mr. Chairman, I thank the gentlemen very much for engaging in the colloquy.

Mr. YOUNG of Florida. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Oklahoma (Mr. ISTOOK).

Mr. ISTOOK. I thank the gentleman for yielding me this time and for the opportunity to speak in favor of this legislation that is before us.

Mr. Chairman, as it has been mentioned, there are three purposes behind this bill: it is a wartime supplemental. First, to pay for the expenses, the huge expenses of our war against terrorism. Secondly, to pay the major expenses of homeland security to protect the United States borders and the people in the country. And, third, to provide the emergency assistance for those that have suffered through these disasters relating to terrorism.

I rise to address some of the elements relating to homeland security. We did not begin just after September 11 to try to address homeland security. Our subcommittee, among other things, funds the U.S. Customs Service. Even before September 11, we had allocated major funds to put 285 additional agents of the Customs Service at our

borders, to add \$33 million in inspection technology to examine the cargo that is coming into the country, looking for dangerous substances as well as drugs that could be sought to be brought in. Then we continued this process in the supplemental that we passed in December, not only paying for recovery and restoration of the offices that were destroyed in New York City but also beefing up the air and marine operations of the Customs Service, providing the funding with which the Customs Service is already adding over 300 additional special agents, over 600 additional border inspectors and the support people to go along with it.

There is another \$68 million in the technology to be able to examine, without having to open all the containers, the cargo that comes into the country; and the major expansion of the training that is necessary for the people that are coming in as new Federal law enforcement people. This supplemental continues those efforts. For example, the Federal law enforcement training center in Georgia has to train some 6,000 investigative personnel of the Transportation Security Administration. This bill has the funding for those personnel. It has additional funding to add more security at the Federal buildings under the supervision of the General Services Administration which is the landlord for our Federal Government. It has some \$87 million to help pay for better filtration equipment and other items to protect workers in the postal system against the threats of anthrax or any other substance that someone might send as part of a terrorist act through the mail.

There are major other elements of this bill trying to protect our Nation, trying to secure our borders, to detect and deter and halt threats before they get into the United States of America. This is a major and significant effort. I want to thank Chairman Young and everyone who has been responsible for making these resources available to better secure our homeland.

Mr. OBEY. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Indiana (Mr. VISCLOSKY).

Mr. VISCLOSKY. I thank the gentleman for yielding me this time.

Mr. Chairman, I want to express my concern about the procedures used to bring this important legislation to the House floor and the lack of inclusion in doing so. I would point out in the rule that was adopted earlier today in this Chamber, section 1404 was added to the underlying legislation relative to the treatment of certain counties for the purpose of reimbursement under the Medicare program. I do not rise today to express my opposition to the inclusion of those counties if relief is necessary for them. I rise in opposition to a point that other counties were not included as well.

The fact is, under this legislation, counties in Lackawanna, Pennsylvania; Luzerne, Pennsylvania; Wyo-

ming, Pennsylvania; Columbia, Pennsylvania; Lycoming, Pennsylvania; and Mercer, Pennsylvania, were included. Hospitals in Orange County, New York, were included. Hospitals in Dutchess County, New York, were included.

On November 7 of last year, I wrote to the chairman of the Committee on Ways and Means explaining that Porter Memorial Hospital in Porter County, Indiana, was experiencing similar difficulty as far as an inequitable reimbursement under their classification in Medicare reimbursement. On January 22 of this year, I received a response from the honorable chairman indicating that he had received my communication, that hearings would be held and I would be notified. On February 5 of this year I wrote to the chairman of the Committee on Ways and Means and asked that we be allowed to testify on behalf of Porter Memorial Hospital in Porter County, Indiana.

□ 1945

Subsequent to February 5, no hearings were held that I am aware of. We were not asked to provide any materials for justification as far as the arguments for Porter Memorial Hospital. But tonight, on May 22, I find out that we have 8 hospital counties in the States of Pennsylvania and New York whose problems are being rectified tonight. That is not fair. That is not inclusive in this legislative process. Porter Memorial Hospital in the State of Indiana, in the County of Porter, is as deserving.

I would hope as this session proceeds that the representations made by the chairman of the Committee on Ways and Means on January 22 that hearings were going to be held and that action on this vital issue to Porter Memorial Hospital would be taken.

The fact is that Porter Memorial Hospital is located very near Chicago, Illinois. Their costs of providing care to residents in that area are comparable to the City of Chicago, Illinois, but the reimbursements are not. There is a differential for an adjoining county between Cook County, Illinois, and Porter County, Indiana. That is Lake County, Indiana, and that places the people at Porter County in a further disadvantage. I would hope that this problem is rectified.

Mr. YOUNG of Florida. Mr. Chairman, I yield 2 minutes to the gentleman from New York (Mr. WALSH), the distinguished chairman of the Subcommittee on VA, HUD and Independent Agencies of the Committee on Appropriations.

Mr. WALSH. Mr. Chairman, I thank the gentleman from Florida (Chairman YOUNG) for being a champion for my State, New York.

As a number of Members have mentioned, there are 3 goals to this supplemental. I would like to address the New York City component of that. We remember well President Bush's pledge to do whatever it takes. A number of

\$20 billion was discussed. There was a lot of discussion, a lot of contention about that in the last supplemental. The President said, "I am good for my word." The chairman said the President's word is good. I said the President's word would be good. And the President's word is as good as gold. In fact, this brings the total appropriation for New York City to \$21.5 billion.

There is \$5.5 billion additional in this for the reconstruction and recovery of New York, \$1.8 billion for transportation, \$2.75 billion for FEMA, and \$750 million for HUD. The HUD fund, CDBG funds, have enabled New York City to begin to put itself back together again and at the same time retain the businesses and the residences of the people who live in that Lower Manhattan neighborhood.

I was there just 2 weeks ago, and I was there the Friday after the attack, with President Bush. It is a remarkably different place. Then it was total devastation. Today the World Trade Center site looks like a construction site. It is hallowed ground, clearly, but New York is back to work.

Is there more to do? There is lots more to do. Decisions have not yet been made on what to do at that site. But the fact of the matter is the neighborhood is alive, it is vibrant, and it is New York City again. It has that hum in Lower Manhattan.

So the President kept his promise, the Congress is keeping its promise, and it is a remarkable thing to see the vibrancy of that city returning.

Is there more to do? Yes. Is there planning to be done at the World Trade Center site? Yes. But the New Yorkers will make that decision, with the help of the Federal Government and the people of the United States.

Mr. OBEY. Mr. Chairman, I yield 1½ minutes to the gentleman from Pennsylvania (Mr. FATTAH).

Mr. FATTAH. Mr. Chairman, I was very supportive of the supplemental appropriations bill as we worked our will in committee under the quite able leadership of our chairman and ranking member. I am, however, somewhat concerned about the rule and the self-executing nature of the various amendments to this, particularly the one related to the debt ceiling and the like.

I just want my colleagues on the Committee on Appropriations to know that I think the original work of the committee as reported represented, I think, an appropriate response to a number of issues facing the country at this time, and I was particularly pleased with the work that was done to help the District of Columbia meet some of the needs that have been associated with September 11 in terms of police overtime and the like. I just want to thank the chairman and the ranking member for their work on those important matters.

As we conclude our work, I would hope that in the future we would not have these types of add-ons. But it is part of the process, unfortunately, and

we will have to work our will here on the floor. But the committee deserves, I think, appropriate thanks from the House for the original work that was done.

Mr. OBEY. Mr. Chairman, I yield back the balance of my time.

Mr. YOUNG of Florida. Mr. Chairman, I yield myself the balance of my time. I do so to yield to my friend, the gentleman from Michigan (Mr. SMITH), for the purpose of a colloquy.

Mr. SMITH of Michigan. Mr. Chairman, will the gentleman yield?

Mr. YOUNG of Florida. I yield to the gentleman from Michigan.

Mr. SMITH of Michigan. Mr. Chairman, first may I compliment the gentleman and his committee on his efforts to get needed support to our first responders, our firefighters, so they can better prepare for any terrorist attack that may occur.

Mr. Chairman, as the gentleman knows, the President's fiscal year 2003 budget request proposes consolidating existing preparedness programs under the Office of National Preparedness within the Federal Emergency Management Agency. This is a proposal Congress will be addressing in the coming months.

However, a concern I have is that the first responder supplemental grant funding for fiscal year 2002 in this bill goes to the Department of Justice. I understand the reason behind providing Justice with funding, but I hope it does not mean that the anti-terror needs of firefighters and emergency medical personnel will be implemented without the input of the U.S. Fire Administration, which is part of FEMA.

Can the chairman provide some assurance that he and his House conferees will take into account the needs of firefighters and EMS personnel as it distributes these supplemental funds?

Mr. YOUNG of Florida. Mr. Chairman, reclaiming my time, the gentleman makes a good point. There is no question, as we watched on television as the recovery and the first response in New York City and at the Pentagon unfolded before our very eyes, we saw the importance of the first responders in not only protecting property, but especially saving lives. So I would have to tell the gentleman we are still in the process of figuring out the best division of responsibility among the various agencies for providing assistance to first responders, which we are going to do. There is no question about that.

I agree with the gentleman from Michigan that we have to involve those agencies with responsibility for assisting firefighters and EMS personnel to help assure that they are prepared. I can assure the gentleman that the Committee on Appropriations will continue to work to make sure it takes into account the needs of firefighters and EMS personnel, as well as law enforcement officers, when it considers how to distribute the supplemental funding in this bill and in the fiscal year 2003 appropriations bill.

Mr. SMITH of Michigan. Mr. Chairman, if the gentleman will yield further, I thank the chairman for his statement, and certainly all his personal support for our first responders and law enforcement personnel in this Nation.

Mr. YOUNG of Florida. Mr. Chairman, reclaiming my time, I thank the gentleman for this opportunity to have that colloquy.

Mr. SCHIFF. Mr. Chairman, I rise today in support of emergency security assistance to our democratic ally Israel. The \$200 million in supplemental assistance to Israel contained in the FY 2002 Supplemental Emergency Appropriations bill provides vital emergency resources to a key U.S. ally and a frontline state in the war against terror.

Mr. Chairman, it became painfully evident after September 11 that Israel and the United States are engaged in a common struggle against terrorism. Neither country asked for this struggle; both have constantly chosen a path of peace when given the choice. Israelis must know that the U.S. stands with them in this difficult hour, as they have repeatedly stood with this country throughout the years.

The United States has never been more resolved to eliminate the threat of terrorism against innocent civilians and free society. The democratic State of Israel stands shoulder to shoulder with the United States in this effort. Terrorist attacks against innocent Israeli civilians are taking place on a constant basis. In the face of terror, Israel is attempting to rout out the forces that threaten the daily lives of its citizens. But Israel continues to suffer a systematic and deliberate campaign of terror aimed at inflicting as many casualties as possible.

Mr. Chairman, as the world's leading democracy, we have a responsibility to stand by a democratic friend and ally threatened by a wave of terrorist aggression. At this volatile stage of developments in the Middle East, Israel needs to know that it can count on U.S. security assistance.

Mr. STARK. Mr. Chairman, I rise in opposition to H.R. 4775, the Supplemental Appropriations Bill. For the last few years supplemental appropriations bills have been brought to the floor to cover shortcomings in the previous year's appropriation bills. Increasingly, these bills have strayed from their original purpose of merely appropriating funds for certain programs. Instead, they make changes in policy, create new regulations, or implement new and completely unrelated laws. This bill continues this unfortunate trend. It sends billions of dollars in foreign aid to other countries, cuts funding to low-income and elderly housing, and includes specific Medicare "fixes" for hospitals in the districts of three Republican House members. Most egregious of all, the bill raises the federal debt limit to let the government keep spending money above what we should.

The Republicans have a problem and they don't know what to do about it. Their irresponsible tax cut has eaten up so much of the government's resources that we are about to exceed the federal debt limit. Rather than admit that they caused this problem, the Republicans have slipped language into the bill to raise the debt limit without anyone knowing. In other words, they've taken a page from Ken Lay's book: cover up irresponsible spending



with hidden accounting tricks. What a disgrace.

Keeping up these tricks, the Republicans want to send \$1.4 billion in aid to foreign countries four months ahead of time in order to dodge the budget bullet. There is simply no justification for this funding. Even worse, the bill further relaxes controls that prevent human rights violators from receiving military assistance.

And the bill doesn't stop there. Listen to this: we're going to give Israel \$200 million to continue destroying Palestinian infrastructure while at the same time giving the Palestinians \$50 million to rebuild! The bill relaxes restrictions on aid to Colombia despite its ongoing human rights violations in its war against revolutionaries within its own borders. It even appropriates \$1.8 billion in military funding above the President's request.

The Republicans naturally need a method to pay for all this new spending and they have proposed to do so in two ways: first, as I've already described, they want to raise the debt limit. Second, they want to cut valuable programs here at home. For example, the Republicans have cut \$300 million for low-income and senior housing in order to pay for this bill. In doing so, they turn their backs on 13 million Americans who spend more than half of their income on substandard housing.

This bill wastes more of our precious resources and then covers up for it with hidden, below-the-table gimmicks. I will vote against this awful bill and urge my colleagues to do the same.

Mr. HOEFFEL. Mr. Chairman, once again the GOP leadership in the House has taken a necessary bipartisan effort to fund our war on terror and bolster our homeland security, and riddled it with partisan budgetary maneuvers including a thinly veiled provision that would permit an increase in our nation's debt ceiling.

This supplemental appropriations bill includes \$15.6 billion in necessary military and defense-related expenditures to fight the war on terror, and another \$13.6 billion for homeland security, financial help for rebuilding efforts in New York City, and foreign assistance, including \$200 million for Israel—all necessary expenditures that I support and will vote for.

However, the rule for this legislation includes seemingly innocuous language that would allow a huge increase in the debt ceiling to be inserted in the conference report without a separate vote. This is unconscionable.

Raising the debt ceiling, coupled with the current reckless fiscal policy of increasing spending while reducing tax revenue, will put us on the track for a fiscal train wreck.

This will plunge this country back into a level of debt, borrowing, and higher interest rates that we thought we had permanently left behind. In just a year, we have seen actual and projected surpluses erased. Today, the most recent analysis suggests that we will run a \$300 billion non-Social Security deficit in this fiscal year. Even if we spend Social Security dollars to fund the government—a policy that I adamantly oppose—we will still run a \$150 billion deficit this year.

Our debt ceiling is like a limit on a credit card, and if we keep raising it without taking action to put our fiscal house back into order, we are heading for fiscal disaster. It is not prudent for a family in financial trouble to seek a higher limit on the family credit card nor

should Congress impose a long-term debt ceiling increase without a sound fiscal plan.

I would support a time-limited increase in our debt limit to help fund our war efforts—possibly one to three months—but that must be accompanied by a budget summit between leaders of Congress and the Administration to put our budget back into order and prevent us from further fueling our debt with money from the Social Security and Medicare Trust Funds.

While the supplemental bill is generally a good bill—absent the provisions contained in the rule—I am troubled by one particular provision. In order to keep the cost of the bill under \$30 billion, the bill drafters offset \$643 million of the costs by striking airline loan guarantees that Congress passed after 9/11. These guarantees are a matter of survival for the airlines, particularly US Airways. I will work with my colleagues in the Senate to see that this language is not included in the conference version.

Although I support this supplemental spending, I will quite possibly vote against it in a conference report if an unfettered debt ceiling increase is included. Funding our war on terror, making America safe and putting our fiscal house back in order are not mutually exclusive pursuits. We need a budget summit to come to a bipartisan agreement on ways to fund our current spending needs, stabilize our tax policy and protect Social Security and Medicare without throwing our budget into turmoil from which it will take years to recover.

I have been a hawk on our national debt since I came to Capitol Hill, and I will remain so in this crucial fiscal period.

Mr. BOEHNER. Mr. Chairman, I rise in support of the Appropriations Committee's effort to bring forward a bill that provides funds to address the current shortfall in the Pell Grant Program for this nation's neediest students.

Specifically, this bill puts forward an additional \$1 billion to ensure the largest maximum award in the history of the Pell Grant Program—\$4,000. This bill, while providing for the \$4,000 annual maximum Pell Grant award as proposed by the President, will also provide assurances to students and their families that the necessary funds will in fact be available for them when they are needed.

This President and this Congress stand firm in their commitment to the Pell Grant Program. That commitment is clear as evidenced by this chart, which shows a steady and substantial increase in the annual maximum award since fiscal year 1995, the point when Republicans gained control of the Congress, through the current year. We will continue our pledge to support the Pell Grant Program as we move forward with the President's education agenda.

The Pell Grant Program is the foundation of the Federal need-based student financial assistance programs, and is often the only hope low-income students have to achieve their dream of obtaining a higher education. Currently, the Pell Grant Program serves more than 4.4 million students and in FY 2003, the President's budget request will serve an additional 55,000 students, allowing more students to move forward and obtain a quality education.

We can do nothing better than provide an opportunity for this nation's citizens to obtain a quality education.

In addition, I'd like to thank the Appropriators for including \$190 million to help replen-

ish the National Emergency Grant program, and for restoring \$110 million to the dislocated worker program. These funds will go a long way in supporting American workers who have lost their jobs due to the economic slowdown and last year's terrorist attacks.

Mr. Chairman, I urge my colleagues to show their support for American workers and the very important Pell Grant Program by voting yes on this legislation.

Mr. YOUNG of Florida. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the bill shall be considered for amendment under the 5-minute rule and the amendments printed in House Report 107-484 are adopted.

During consideration of the bill for amendment, the Chair may accord priority in recognition to a Member offering an amendment that he has printed in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered read.

The Clerk will read.

The Clerk read as follows:

H.R. 4775

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2002, and for other purposes, namely:

#### TITLE I—SUPPLEMENTAL APPROPRIATIONS

##### CHAPTER 1

##### DEPARTMENT OF AGRICULTURE

##### FOOD SAFETY AND INSPECTION SERVICE

For an additional amount for "Food Safety and Inspection Service", \$2,000,000, to remain available until expended: *Provided*, That the entire amount shall be available only to the extent an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.

##### FOOD AND NUTRITION SERVICE

##### SPECIAL SUPPLEMENTAL NUTRITION PROGRAM FOR WOMEN, INFANTS, AND CHILDREN (WIC)

For an additional amount for "Special Supplemental Nutrition Program for Women, Infants, and Children (WIC)", \$75,000,000, to remain available until September 30, 2003, which shall be placed in reserve for use in only such amounts, and in such manner, as the Secretary determines necessary, notwithstanding section 17(i) of the Child Nutrition Act.

##### ANIMAL AND PLANT HEALTH INSPECTION SERVICE

##### SALARIES AND EXPENSES

For an additional amount for "Animal and Plant Health Inspection Service, Salaries and Expenses", \$10,000,000, to remain available until expended, to assist in State efforts to prevent and control transmissible spongiform encephalopathy, including bovine spongiform encephalopathy, chronic wasting disease, and scrapie, in farmed and free-ranging animals: *Provided*, That the entire amount shall be available only to the extent an official budget request, that includes

designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

FOOD AND DRUG ADMINISTRATION  
SALARIES AND EXPENSES

For an additional amount for "Food and Drug Administration, Salaries and Expenses", \$18,000,000, to remain available until expended: *Provided*, That the entire amount shall be available only to the extent an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.

GENERAL PROVISIONS—THIS CHAPTER

SEC. 101. None of the funds appropriated in this or any other Act for the Department of Health and Human Services may be used to consolidate the Food and Drug Administration Office of Public Affairs or Office of Legislation at the Office of the Secretary of Health and Human Services.

POINT OF ORDER

Mr. ADERHOLT. Mr. Chairman, I make a point of order that section 101 of the bill, beginning on line 18 through line 23, violates clause 2 of rule XXI of the Rules of the House of Representatives prohibiting legislation on appropriation bills.

The language in question prohibits the Food and Drug Administration from consolidating its Office of Public Affairs or Office of Legislation at the Office of the Secretary of Health and Human Resources under this bill or "any other Act." As such, the language changes current law and constitutes a violation of clause 2 of rule XXI.

I insist on my point of order.

The CHAIRMAN. Does any Member wish to be heard on the point of order?

Mr. YOUNG of Florida. Mr. Chairman, reluctantly, I must concede the point of order.

The CHAIRMAN. The point of order is conceded.

The point of order is sustained. The provision is stricken from the bill.

The Clerk will read.

The Clerk read as follows:

SEC. 102. Of the funds made available for the Export Enhancement Program, pursuant to section 301(e) of the Agricultural Trade Act of 1978, as amended by Public Law 104-127, not more than \$28,000,000 shall be available in fiscal year 2002.

CHAPTER 2

DEPARTMENT OF JUSTICE

Mr. ROTHMAN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, people at home must be scratching their heads wondering what are these folks talking about? Let me tell you what we are not talking about. There is no disagreement between the majority of Republicans and

the majority of Democrats as to whether we should fund our war against terrorism, because we all support that; or that we should increase funding for the Defense Department, because we support that; or increase funding for agencies that protect us and inspect things coming into the United States, things and people, Customs, Secret Service, et cetera; or provide money for the rebuilding of New York City. There is no disagreement.

So what have we been hearing about this debt ceiling that bothers the Democrats so much? Well, you see, the problem is that my friends on the Republican side of the aisle decided that they would force through a rather large tax cut, a \$1.35 trillion tax cut, last year, that benefited, in my opinion, disproportionately, the richest 5 percent in the United States. At the time they said America could afford that, there would be no deficits; that surpluses that were present under President Clinton would continue now under President Bush, even with this \$1.35 trillion tax cut.

Something happened. A war on terrorism; the recession was still going on. But then about 45 percent of what will now be a \$300 billion deficit in the year 2003 is a direct result of this tax cut forced through by the Republican party.

The problem with this bill, and I am going to support this bill because I support all the aid to our men and women overseas defending us, standing in harm's way, and all of the good things in the bill, the problem with the bill, that we hope will get fixed by the Senate because the Democrats are in control of the Senate and they will hopefully hold the line on this, is my Republican colleagues have inserted into this supplemental appropriations bill a way for the new deficits created, 45 percent of the reason for which is their tax cut, they have created a way to fund these national deficits that are expected for the next 10 years, and they buried it in this bill. They did not have a debate on it. They would not let us debate whether we should postpone the tax cuts for the very richest of Americans in order to eliminate 45 percent of these new deficits, next year projected to be \$300 billion, and we all know where this money is coming from. It is coming from our children and grandchildren and Social Security, as they stick their hands deeper and deeper into the pockets of future generations to pay for a tax cut that benefits primarily the rich.

Again, they did not plan on it this way. They thought there would be surpluses. Then the war on terrorism came, and the recession. So we said now there is a war on terrorism and a recession. Perhaps we ought to delay this tax cut that benefits primarily the very rich. They said no. So rather than admitting to the American people that the Republicans have now created this huge deficit, 45 percent of which is related directly to their tax cut that goes

to primarily to the rich, admit they have a deficit this year and projected for the next 10 years, admit that 45 percent of the reason for this new deficit is their tax cut that goes primarily to the very rich, they have buried language in this bill preventing a debate on it so that the American people will not realize that when they said they could do a tax cut that benefited primarily the rich and created surpluses, they were wrong. They guessed wrong.

□ 2000

I think that that is a terrible mistake that needs to be rectified.

What else could we do with this money? We could pay off our debts if we did not have this tax cut for the very rich. We could even just postpone it, delay it for a year, take a look around, see what the war on terrorism is like, whether we are out of the recession or not. Reasonable people of goodwill could debate whether a tax cut is important in the midst of a recession. We are out of the recession, according to all of our official estimates, and most of this tax cut is going to take effect for the rich in the next 10 years, except we have to pay for it now.

So if anyone is wondering why there appeared to be a disagreement between Democrats and Republicans about a bill where we all support an increase in defense, the war on terrorism, all of the agencies rebuilding New York, et cetera, et cetera, we all support that. What we do not support on the Democratic side is the unwillingness of the Republican majority to hide the effect of their tax cut, which by conservative numbers, 45 percent of the reason for the upcoming deficits will be as a direct result of their tax cuts; and we say, if you want to cause these deficits, cause us to dig into Social Security, to pay for your tax cuts that disproportionately benefit the wealthiest of Americans, at least debate it out in the open. Do not hide it in this bill. We are hoping that the Democratic Senate, when this bill goes to conference with the Senate bill on this emergency supplemental, will be resolved at that point.

Mr. Chairman, I urge my colleagues to support this bill, but encourage the Senate and the conferees to remove this hidden, deficit-hiding device.

MOTION TO RISE OFFERED BY MR. OBEY

Mr. OBEY. Mr. Chairman, I move the Committee do now rise.

The CHAIRMAN. The question is on the motion offered by the gentleman from Wisconsin (Mr. OBEY).

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. OBEY. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 134, noes 250, not voting 50, as follows:

[Roll No. 196]

## AYES—134

Ackerman Gephardt Napolitano  
 Allen Gonzalez Oberstar  
 Andrews Hall (OH) Obey  
 Baca Hastings (FL) Olver  
 Baird Hefley Owens  
 Baldwin Hill Pallone  
 Barrett Hilliard Pascarell  
 Bentsen Hinchey Pelosi  
 Berkley Hinojosa Peterson (MN)  
 Berman Hoeft Pomeroy  
 Berry Holt Price (NC)  
 Bishop Honda Rangel  
 Blagojevich Hooley Reyes  
 Bonior Inslee Rodriguez  
 Boucher Israel Roybal-Allard  
 Boyd Jackson-Lee Rush  
 Brady (PA) (TX) Sabo  
 Brown (FL) Jefferson Sanchez  
 Brown (OH) Johnson, E. B. Sanders  
 Capps Jones (OH) Sandlin  
 Capuano Kaptur Schakowsky  
 Cardin Kennedy (RI) Schiff  
 Carson (IN) Kilpatrick Serrano  
 Carson (OK) Kind (WI) Sherman  
 Clement Kleczka Snyder  
 Clyburn Kucinich Solis  
 Condit Larsen (WA) Spratt  
 Conyers Larson (CT) Strickland  
 Crowley Lee Stupak  
 Cummings Lewis (GA) Tanner  
 Davis (FL) Lofgren Taylor (MS)  
 Davis (IL) Lowey Thompson (CA)  
 DeFazio Lynch Thompson (MS)  
 DeGette Maloney (NY) Thurman  
 Delahunt Markey Tierney  
 Dicks Matheson Towns  
 Dingell Matsui Udall (NM)  
 Doggett McCarthy (NY) Velazquez  
 Engel McGovern Visclosky  
 Eshoo McNulty Watt (NC)  
 Etheridge Meehan Waxman  
 Evans Meeks (NY) Woolsey  
 Farr Millender-Wu  
 Filner McDonald Wynn  
 Ford Mink  
 Frank Nadler

## NOES—250

Aderholt Davis, Tom Hunter  
 Akin Deal Hyde  
 Arney DeLauro Isakson  
 Bachus DeLay Issa  
 Baker DeMint Istook  
 Baldacci Diaz-Balart Jackson (IL)  
 Ballenger Doyle Jenkins  
 Barcia Dreier John  
 Bartlett Duncan Johnson (CT)  
 Barton Dunn Johnson (IL)  
 Bass Edwards Jones (NC)  
 Bereuter Ehlers Kanjorski  
 Biggert English Keller  
 Blumenauer Everett Kelly  
 Blunt Ferguson Kennedy (MN)  
 Boehlert Flake Kerns  
 Bonilla Fletcher Kildee  
 Bono Forbes King (NY)  
 Boozman Fossella Kingston  
 Borski Frelinghuysen Kirk  
 Boswell Gallegly Knollenberg  
 Brady (TX) Ganske Kolbe  
 Brown (SC) Gekas LaHood  
 Bryant Gibbons Langevin  
 Burr Gilchrest Lantos  
 Callahan Gillmor Latham  
 Calvert Gilman LaTourette  
 Camp Goode Leach  
 Cannon Goodlatte Levin  
 Cantor Goss Lewis (CA)  
 Capito Granger Lewis (KY)  
 Castle Linder Graves  
 Chabot Green (TX) LoBiondo  
 Chambliss Green (WI) Lucas (KY)  
 Coble Greenwood Lucas (OK)  
 Collins Grucci Luther  
 Combest Hall (TX) Maloney (CT)  
 Cooksey Hansen Manzullo  
 Costello Hart McCarthy (MO)  
 Cox Hastings (WA) McCollum  
 Coyne Hayes McCrery  
 Cramer Hayworth McHugh  
 Crane Herger McInnis  
 Crenshaw Hobson McKeon  
 Cubin Hoekstra McKinney  
 Cunningham Holden Menendez  
 Davis (CA) Hostettler Mica  
 Davis, Jo Ann Houghton Miller, Dan

Miller, Gary  
 Miller, Jeff  
 Mollohan  
 Moore  
 Moran (KS)  
 Moran (VA)  
 Morella  
 Murtha  
 Myrick  
 Nethercutt  
 Ney  
 Northup  
 Nussle  
 Ortiz  
 Osborne  
 Ose  
 Otter  
 Pastor  
 Paul  
 Payne  
 Petri  
 Phelps  
 Pitts  
 Platts  
 Pombo  
 Portman  
 Pryce (OH)  
 Putnam  
 Quinn  
 Radanovich  
 Rahall  
 Ramstad  
 Regula  
 Rehberg  
 Reynolds  
 Riley  
 Rivers  
 Roemer  
 Rogers (KY)  
 Rogers (MI)  
 Rohrabacher  
 Ros-Lehtinen  
 Ross  
 Rothman  
 Roukema  
 Royce  
 Ryan (WI)  
 Ryun (KS)  
 Saxton  
 Schaffer  
 Schrock  
 Sensenbrenner  
 Sessions  
 Shadegg  
 Shaw  
 Shays  
 Sherwood  
 Shimkus  
 Shows  
 Shuster  
 Simmons  
 Simpson  
 Skeen  
 Skelton  
 Smith (MI)  
 Smith (NJ)  
 Smith (TX)  
 Smith (WA)  
 Souder  
 Stearns  
 Stump  
 Sullivan

Sununu  
 Sweeney  
 Tancredo  
 Tauscher  
 Taylor (NC)  
 Terry  
 Thomas  
 Thornberry  
 Thune  
 Tiahrt  
 Tiberi  
 Toomey  
 Turner  
 Udall (CO)  
 Upton  
 Vitter  
 Walden  
 Walsh  
 Wamp  
 Watkins (OK)  
 Watson (CA)  
 Watts (OK)  
 Weiner  
 Weldon (FL)  
 Weldon (PA)  
 Weller  
 Wexler  
 Whitfield  
 Wicker  
 Wilson (NM)  
 Wilson (SC)  
 Wolf  
 Young (AK)  
 Young (FL)

## NOT VOTING—50

Abercrombie  
 Barr  
 Becerra  
 Bilirakis  
 Boehner  
 Burton  
 Buyer  
 Clay  
 Clayton  
 Culberson  
 Deutsch  
 Dooley  
 Doolittle  
 Ehrlich  
 Emerson  
 Fattah  
 Foley  
 Frost  
 Gordon  
 Graham  
 Gutierrez  
 Gutknecht  
 Harman  
 Hilleary  
 Horn  
 Hoyer  
 Hulshof  
 Johnson, Sam  
 LaFalce  
 Lampson  
 Lipinski  
 Mascara  
 McDermott  
 McIntyre  
 Meek (FL)  
 Miller, George  
 Neal  
 Norwood  
 Oxley  
 Pence  
 Peterson (PA)  
 Pickering  
 Sawyer  
 Scott  
 Slaughter  
 Stark  
 Stenholm  
 Tauzin  
 Traficant  
 Waters

□ 2023

Mr. SUNUNU changed his vote from “aye” to “no.”

Mr. HILLIARD and Mr. RUSH changed their vote from “no” to “aye.” So the motion to rise was rejected.

The result of the vote was announced as above recorded.

Ms. KILPATRICK. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise as a Member of the Committee on Appropriations, having served with the gentleman from Florida (Chairman YOUNG), who was very dignified as this Committee on Appropriations spent over 3 days, 14 hours on the first day, trying to bring to this House of Representatives a supplemental bill to really react and respond to our war on terrorism.

Many of us, over 60 of us who sit on that committee, vowed that we would do the work necessary. We put 20 hours-plus on the bill over 3 days, and brought a bill to this floor, an emergency supplemental. I am appalled with what the Committee on Rules has done with our work. It has emasculated the committee system in this House.

Mr. Chairman, the gentleman from Florida (Chairman YOUNG) has done a wonderful job, and our ranking member, the gentleman from Wisconsin (Mr. OBEY). We have worked together

in a bipartisan way to bring the bill to the floor of the House. But what we have before us is not the bill that came out of the Committee on Appropriations. It is not the bill we were told was an emergency and had to be passed right away to address the war on terrorism.

What we have before us now is a bill with all kinds of amendments added onto it, and all kinds of things we cannot amend as Members of this House that do not address the emergency before us.

This bill will increase the debt limit without a vote of this House. We may have to increase the debt limit, primarily because of the \$1.3 trillion tax cut that was given to the wealthiest of Americans just last year at the time when the economy was slowing.

The CBO has told us that we will be in deficit \$2.7 trillion, so perhaps we will have to increase the debt limit, but let us vote on it. Let us debate it. Do not bury it in this emergency supplemental that we spent so much time and energy and hours on.

Mr. Chairman, I think it is unfair, and it emasculates the committee system in this House of Representatives. The Committee on Rules has gone ahead and gone deeper into the Social Security trust fund, leaving everything to be taken care of in conference, and again, not allowing us, the elected Members of this House, to have the proper forum in which to debate it.

There is no new money for education, and again, if we adopt this supplemental that the Committee on Rules has rewritten, we automatically adopt the Republican budget resolution that passed this House earlier this year. That budget resolution, if we remember, did not fortify Medicare, did not take care of Social Security, did not take care of education. If we adopt this Committee on Rules supplemental tonight, we automatically adopt that poor budget resolution that was passed a few months ago.

Mr. Chairman, these are trying times for our country. We are at war. We do need to address the emergency needs of our troops, our homeland security. But we also need to address the national defense, homeland, problems of education.

Mr. HASTINGS of Florida. Mr. Chairman, will the gentlewoman yield?

Ms. KILPATRICK. I yield to the gentleman from Florida.

□ 2030

Mr. HASTINGS of Florida. Mr. Chairman, I agree with the gentlewoman that it was the Committee on Rules because that is where the action is. But it was the majority on the Committee on Rules that undertook this. I thank the gentlewoman for yielding.

Ms. KILPATRICK. Mr. Chairman, I thank the gentleman from Florida (Mr. HASTINGS) for making that caveat. It was the majority, the Republican members of the Committee on Rules who emasculated the work of the fine Committee on Appropriations and the gentleman from Florida (Mr. YOUNG) and

the gentleman from Wisconsin (Mr. OBEY), and now we have before us not an emergency supplemental that deals with terrorism, but a bill that will raise the debt limits for this country, making us have more bills to pay and at the same time not having an up-or-down vote on it; nor will we be able to debate that. I think that is unconscionable.

We live in a time in this country where leadership is paramount, where we must stand up and be counted. This is not the way this House should be run. This is not the way the majority should run it. I hope we will vote against the supplemental. Some people say they cannot vote against it because of what is in it. I think you can vote against it, come back and put together a supplemental for the American people that will address the emergency needs of our country.

Our health care industry is about to collapse. I have been visited by doctors in this country. I am sure you have too. They are not taking Medicare senior citizen patients. The reimbursements are too low. Our children cannot stand up to the competition of people all around the world. We can fix that. This supplemental does not begin to address that.

At a time when we need leadership, we are finding more and more that we are doing the wrong things for the people of this country. They expect us to be leaders. They sent us here for that.

Mr. Chairman, I would urge my colleagues, watch what we do over the next few hours. Vote against this supplemental.

We are being asked to do something today that we have not done in almost 6 years—pass legislation that paves the way for increasing the debt limit that will allow the government to borrow money to pay its bills. The majority is attaching this on to a must-pass bill, an emergency supplemental appropriations to fund homeland security and the war on terrorism, in order to minimize its exposure as the party of fiscal irresponsibility.

For more than 60 years, the other side of the aisle has billed itself as the party of balanced budgets, budget firewalls and Social Security lockboxes. But their rhetoric does not comport with reality and they know it. In the last half of the 20th century through last year, the only budget surpluses this nation enjoyed came under Democratic administrations and Democratic financial management.

That's a point the Republican majority does not want to acknowledge. Consequently, it wants to slip debt-increase legislation through on the sly without a full and fair debate of the fiscal position of the country, how we got there, and how we're going to deal honestly about digging ourselves out of the hole in which we now find ourselves.

The problem is the other side is in a state of denial. It does not want to expose itself as the party of deficit spending after a Democratic administration produced the longest string of budget surpluses in the history of this country. And it doesn't want to own up to the fact that it has to raise revenues before the country can get back on the right track to fiscal sanity. Yes, the economic slowdown and

the war on terrorism caused us to spend more than general revenues allow. But the primary reason we are spending beyond our means is because of a \$1.3 billion tax bill Congress passed last year.

Because the other side doesn't want to deal with the deficit situation honestly and openly, the majority wants us to approve must-pass legislation, so it can have a license to raid the Social Security and Medicare trust funds.

We need to ensure that all areas of our budget are adequately funded. While it is necessary to fund defense and national security priorities, it is not acceptable to ignore domestic priorities that are of crucial importance to our nation and the American people. By insufficiently funding key priorities such as education and prescription drugs, we are short-changing our families and children. Yes, they might be safer on the national security front, but if we cannot ensure our nation's children a quality education, if we can't ensure seniors a sound prescription drug coverage, and if we can't ensure the solvency of our Social Security for so many people in the future, we are truly off the mark.

The budget resolution presented a distorted vision for our future by laying out a budget that does not sufficiently fund our education and health care needs. This is not a budget that the appropriations committee should adhere to if we really want to keep the promises we have verbally made to our people. It is time to match our words with real funding levels on paper.

#### EDUCATION

In January, the President signed into law landmark education reform legislation with the "Leave No Child Behind Act." Yet, his proposed budget and the Republican budget that was passed in the House does not make the title of this bill a reality. If we continue along the Republican funding path, more and more children will be left behind. Both budgets provide a \$1.4 billion (2.8 percent) increase over FY 2002 funding levels to the Department of Education, which represents the smallest increase in funding in recent years.

Not only does the budget for education represent the smallest increase in recent times, it actually eliminates funding for 28 key education programs such as Drop-Out Prevention, Rural Education, Close-Up Fellowships, and numerous other programs that enrich students' education.

At the same time, the budget resolution proposes cutting or freezing many other elementary and secondary education programs, including educational technology (cut \$134 million—15.7 percent), improving teacher quality programs (cut from \$105 million to \$3 billion total), and safe and drug-free schools (cut \$102 million or 13.7 percent). It also freezes funding for 21st century community learning centers after-school programs, comprehensive school reform. Even keeping funding for programs for FY 2003 at their current level represents a cut in funding when inflation and rising costs are taken into account.

If we expect schools to implement the provisions laid out in the "Leave No Child Behind Act", then we must give them the funding resources needed to help them succeed. Mandates without adequate funding is leaving our schools and teachers with their hands tied.

In my state of Michigan, funding for educational priorities such as school construction and class size reduction have been elimi-

nated. Other programs have been cut, such as Even Start which provides grants for family literacy projects that include early childhood education for children through age 7.

#### HEALTH

The Republican budget proposed a mere \$350 billion for Medicare reform and prescription drug coverage over ten years. This represents a gross underfunding just for a prescription drug coverage, which would cost \$700–800 billion over 10 years alone if we want a comprehensive, meaningful drug coverage plan for seniors and disabled individuals. This funding level does not even account for what will be needed to strengthen Medicare for our future. If Republicans, in their maneuvering today, really expect us to stick with the funding levels proposed in the budget resolution, then their actions on the floor definitely contrast with the verbal promises that they offer seniors everyday on the floor and in their districts.

Overall, the health care outlook in the GOP budget is bleak. If we are asked to stick with their numbers, major programs will be cut, such as rural health programs (41.9 percent cut), Telehealth (84.6 percent cut), and other programs that assist in coordinating care for the uninsured.

#### SOCIAL SECURITY AND MEDICARE RAIDS

The huge tax breaks for the wealthy that Republicans passed have left us looking at deficit spending. And where will the funds for all our programs come from? Social Security and Medicare trust funds. This is what they have to resort to when just last year, Members pledged not to raid Social Security and we passed Social Security lockbox legislation on the floor. This promise has been broken and the lockbox is locked no more.

The Congressional Budget Office (CBO) projected last January that the course of the Republican path would lead Congress to spend \$845 billion of the Social Security trust fund over the next 10 years. And this in only taking into account the FY 2002 budget.

This return to deficit spending and raiding of the Social Security trust fund cannot be explained by the recent recession or the war against terrorism. When taking into account the Administration's own numbers, the national debt will be \$2.75 trillion higher than what was originally projected early last year before the President's FY 2002 budget proposal. When adding recessionary costs and the war, these numbers combined total \$800 billion of projected debt. This means that \$1.9 trillion is left that cannot be explained either the economic downturn or the war against terrorism.

Mr. ANDREWS. Mr. Chairman, I move to strike the last word.

(Mr. ANDREWS asked and was given permission to revise and extend his remarks.)

Mr. ANDREWS. Mr. Chairman, we are gathered tonight in a place of great and high honor. This is a Chamber in which decisions that have profoundly affected the history of our Nation and of humankind have been debated with great dignity and honor. In this Chamber we have debated questions of civil rights, questions of war and peace, questions of education and health care. And what brings honor to this institution and what humbles each one of us privileged enough to serve in this institution is the process of debate, of exchanging ideas, of laying before the

people of the Nation, the people of the world, our divergent and heartfelt views.

What we are doing tonight in this Chamber does not measure up to the standards of honor of this Chamber. Because this bill is being used as a vehicle to make a decision of monumental importance for the future of this country, but we are not debating that decision. We will not take a vote on that decision. We will not let the public hear our voices on that decision.

There is a plan to move innocuous language in this bill that talks about protecting the full faith and credit of the United States to a conference with the other body. There is an anticipation that the other body will add a law which authorizes the borrowing of \$750 billion, the bill which will be handed off to the children of this country. The bill will then be brought back here, and it will be put to a vote where that \$750 billion borrowing is wrapped in the holy garments of all the good things that are in this bill, aid to the troops, aid to loyal allies of this country, reconstruction of New York City, things for which there is broad, even, unanimous appeal.

The majority has chosen to hide its plan rather than to debate its plan, and that is just plain wrong. I think I know why, Mr. Chairman, the majority has chosen to do that. In 1990 when I came here, for every \$100 that we needed to run the government, we were bringing in \$70 worth of revenue. And we made up the difference by pilfering money from the Social Security trust fund and borrowing the rest from the private markets in a way that drove up interest rates and drove down economic activities. President Clinton made good decisions to change that. Members of Congress of both parties made good decisions to change that. The American people worked very hard, paid a lot of taxes and changed that. And by 2000, for every \$100 we spent to run our country, we brought in \$108. And we were told that \$108 would be \$115 and then \$125 and then \$135, and there would be all this money to spend.

In the summer of 2001, the majority voted to rid the Treasury of about \$2 trillion worth of money in one of the largest tax cuts in American history. There were voices, mostly on this side, who warned against the risk of that proposal. Our warnings when unheeded. The bill became law. A recession came along. The terrorist attacks of September 11 came along. And where do we find ourselves?

For the fiscal year that will end this September 30, instead of having \$108 in revenue for every \$100 we will spend, we will have 80. So here we are once again borrowing the rest. Borrowing once again from the Social Security trust fund and robbing the pensions of Americans. Borrowing once again from the same markets that our entrepreneurs and companies looked to grow their businesses.

The majority understands that the public would rebel against such a plan. So rather than bring that plan to this floor and defend it, they have chosen a procedural vehicle that will obscure it. That is the wrong thing to do. This is a bill that does much good and many of us will support it for that reason. I believe that if the leadership of this committee had been permitted to bring this bill forward, that is all the bill would have done.

But the majority leadership has a different agenda. It is to obscure the agenda that will result in the borrowing of \$750 billion. We vote on congratulating the people of the East Timor in this Chamber. We vote on the naming of Federal buildings. We vote on resolutions honoring people that win NCAA basketball championships; but we are not going to cast a vote on indebteding the children in this country to the tune of \$750 billion.

It is so wrong, it is so indefensible the majority will not put this on this floor. It is the wrong way to proceed.

Mr. TOM DAVIS of Virginia. Mr. Chairman, I move to strike the last word.

(Mr. TOM DAVIS of Virginia asked and was given permission to revise and extend his remarks.)

Mr. TOM DAVIS of Virginia. Mr. Chairman, I rise to engage in a colloquy with the chairman of the committee, as well as my colleague, the gentleman from Virginia (Mr. WOLF), also I think that the gentleman from Virginia (Mr. MORAN) and the gentleman from North Carolina (Mrs. MYRICK) also are concerned.

This regards section 1103 of the bill dealing with the Federal loan guarantee program for air carriers. The airline industry has changed dramatically and permanently since September 11. Business air travel is down 30 percent industry-wide and total industry revenue is down 15 percent since 2000.

It is an unfortunate reality that some carriers' financial situation is currently unsustainable. We cannot now pass the provision that moves the goal post on the very companies for whom the legislation was intended when it was passed a mere 9 months ago.

I ask the chairman, this section would upon enactment of the bill delay disbursement of loan guarantees until October 1 of this year. Is it the chairman's understanding that while this provision would prevent the actual issuance of a loan guaranteed until October 1, that the air transportation stabilization board may continue and complete processing of applications during the remainder of this fiscal year?

Mr. YOUNG of Florida. Mr. Chairman, will the gentleman yield?

Mr. TOM DAVIS of Virginia. I yield to the gentleman from Florida.

Mr. YOUNG of Florida. Mr. Chairman, first let me say it is essential to the United States that a viable air transportation system be up and run-

ning. So I would say to the gentleman that what he suggests is my understanding.

The Office of Management and Budget in a letter sent to our committee interprets this provision as only preventing the actual issuance of credit pursuant to the Air Transportation Safety and System Stabilization Act. The stabilization board may continue accepting and fully considering qualified applications as authorized by that act.

Mr. TOM DAVIS of Virginia. Mr. Chairman, I yield to the gentleman from Virginia (Mr. WOLF) for further inquiry.

Mr. WOLF. Mr. Chairman, I thank the gentleman for that statement.

As the chairman knows, many of our colleagues, and certainly I am in that group, strongly support this program and we want to ensure that no changes are enacted that would prevent a qualified carrier from receiving a loan guarantee as early as the stabilization board may act on the application. This particular program was enacted to assist carriers suffering losses as a result of the terrorist attack on September 11. The Federal Government's closure of Reagan National Airport made matters even worse for some of the carriers.

I know the gentleman from Virginia (Mr. TOM DAVIS), the gentleman from Virginia (Mr. MORAN), the gentleman from North Carolina (Mrs. MYRICK), and the gentleman from Kentucky (Mr. ROGERS) have been very, very concerned about this. We are aware of one or more carriers that may apply for a loan guarantee before the deadline of June 28, 2002.

There are concerns that the provision, if enacted, might have the unintended consequences of preventing a qualified carrier from securing a Federal loan guarantee in time to avoid bankruptcy or other irreparable harm to a carrier's operations, employees and customers.

Would the chairman be willing to work with us and other Members, and there were so many that were interested in this, to ensure that that provision does not have those unintended effects?

Mr. YOUNG of Florida. If the gentleman would yield again, the committee does not intend to prevent any carrier from having an application fully considered, nor does it intend for this provision to result in the kind of outcome the gentleman is concerned about.

We will work with the gentleman and other Members as we go to conference with the Senate on this bill to address any concerns that affected parties may have.

Mr. TOM DAVIS of Virginia. I thank the gentleman for his assurances.

Mr. Chairman, I include in the RECORD a letter from the Office of Management and Budget which clearly states the provisions which we are considering today permit the Air Transportation Stabilization Board to continue to complete the processing of

qualified loan guarantee applications that are properly filed.

EXECUTIVE OFFICE OF THE PRESIDENT, OFFICE OF MANAGEMENT AND BUDGET,

Washington, DC.

Hon. J. DENNIS HASTERT,  
Speaker of the House of Representatives, Washington, DC.

DEAR MR. SPEAKER: This letter provides the Administration's interpretation of Section 1103 of the pending House FY 2002 supplemental appropriations bill (H.R. 4775) regarding airline loan guarantees. This provision was not proposed by the Administration but was added by the House Committee on Appropriations during committee consideration of the supplemental appropriations bill.

Under Section 1103 of the bill, the Air Transportation Stabilization Board would be able to continue and complete processing of qualified applications for loan guarantees during the balance of FY 2002 consistent with the authorities of P.L. 107-42, the Air Transportation Safety and System Stabilization Act.

While the Board could not obligate loan guarantee funds during the balance of FY 2002 (from enactment through September 30, 2002), it can, after October 1, 2002, issue the loan guarantees to qualified applicants.

Sincerely,

NANCY P. DORN,  
Deputy Director.

Mr. MORAN of Virginia. Mr. Chairman, will the gentleman yield?

Mr. TOM DAVIS of Virginia. I yield to the gentleman from Virginia.

Mr. MORAN of Virginia. Mr. Chairman, I thank my friend, the gentleman from Virginia (Mr. TOM DAVIS), and the gentleman from Virginia (Mr. WOLF) and I thank the gentleman from South Carolina (Mr. SPRATT) and the gentleman from Wisconsin (Mr. OBEY) and the gentleman from Kentucky (Mr. ROGERS), all of those folks who have tried to protect USAirways' ability to be financially solvent.

I have to say, though, that I am convinced that the language in this supplemental appropriations bill does just the opposite. I do know that the Chair of the Committee on Appropriations and the Chair of the subcommittee want to make it right. But I think we need some assurance that it will be made right. I see the gentleman from Pennsylvania (Mr. MURTHA), who will be affected.

There are 204 cities whose economy is going to be severely damaged if USAirways is not able to continue operations.

The CHAIRMAN. The time of the gentleman from Virginia (Mr. TOM DAVIS) has expired.

Mr. MORAN of Virginia. Mr. Chairman, I move to strike the last word.

Mr. Chairman, as I was saying, there are 204 cities who are dependent upon the air service that USAirways provides. There are 40,000 employees who are dependent upon the income that they earn from employment with USAirways. This is a very, very serious issue. I know we have discussed previously that it looks an awful lot like a budget gimmick, \$1.3 billion by terminating the ability to apply for a

loan. But it is serious business when you are talking about one of our premiere airlines. And I know that we have substantial support on the other side of the aisle, and certainly those who voted against the rule, this is one of the reasons that virtually all Democrats voted against the rule. And I know there is substantial support on the majority side. But we have got to find a way to make USAir whole, at least to the extent we are capable of doing so.

And that is why we passed the airline guarantee program. We did it right after November. We know that USAirways is the most adversely affected. National Airport was closed down for an entire month and for 8 months it has been in partial operation. How can an airline survive under those conditions? I do not know.

So this is the airway that was most likely to benefit from the legislation we passed, and now we turn around and say we are going to terminate the loan program knowing that they are ready to apply so we can save \$1.3 billion to get under their nonofficial ceiling?

Mr. Chairman, I yield to the gentleman from South Carolina (Mr. SPRATT).

Mr. SPRATT. Mr. Chairman, it is my understanding that USAirways has indicated that it needs this loan guarantee so it can get loan proceeds by August 1. But under the bill as presented to us, nothing will be payable until October 1, the first day of the next fiscal year and this is sooner than it could possibly be paid. It would be soon after that, that is the soonest possible date, and that is too late according to their indication, is it not?

Mr. MORAN of Virginia. Mr. Chairman, I thank the ranking member on the House Committee on the Budget. What he says is absolutely the case. USAirways indicates that it will run out of money by August and it will need the infusion of loan money by then. What this language does is to not make any of that money available until October 1. And unless we can work out some language, it has no assurance that it can give to the creditors that money, in fact, will be authorized.

□ 2045

Mr. TOM DAVIS of Virginia. Mr. Chairman, will the gentleman yield?

Mr. MORAN of Virginia. I yield to the gentleman from Virginia.

Mr. TOM DAVIS of Virginia. Mr. Chairman, I think one of the purposes of colloquy is to assure we have full leadership working to make sure one way or the other, the right thing happens should they qualify for this loan. In fact, the money will be available on a timely basis. We have received assurances that this, it still has to go through conference. There is Senate language that still needs to be worked through, and I just want to say I am comfortable with the fact that we are going to work this out, but I appreciate

the gentleman's being very aggressive on this issue because I think it is very important, not just for the airline, as the gentleman has mentioned before.

Mr. MORAN of Virginia. Mr. Chairman, I will reclaim my time to tell my good friend from Virginia that I know he has been aggressive as well in supporting U.S. Air, but I think the gentleman also knows that on the Senate side they have capped this loan program in such a way that U.S. Air will not have access to the money. So if the money is not available on the House side, if it is not available on the Senate side, we are not going to be able to get it in conference.

Mr. TOM DAVIS of Virginia. Mr. Chairman, will the gentleman yield?

Mr. MORAN of Virginia. I yield to the gentleman from Virginia.

Mr. TOM DAVIS of Virginia. Mr. Chairman, they have only capped it in committee. It still has to go to the floor. It has a long way. I know Senator BYRD is concerned about this as well.

Mr. SPRATT. Mr. Chairman, will the gentleman yield?

Mr. MORAN of Virginia. I yield to the gentleman from South Carolina.

Mr. SPRATT. Mr. Chairman, it is my understanding that CBO has scored this particular provision as saving temporarily for this fiscal year \$343 million, that is all, under the Credit Reform Act. It is not the full amount of the loan. It is the likely loss on the loan that is scored as an expenditure on the loan this year. However, this is nothing but an obligational delay, so it does not really save anything.

What it means is that what would be obligated in the remaining few months of this fiscal year will instead be obligated after October 1. Why go through shenanigans like that and send a message to the lenders that U.S. Air will not be able to take down the cash it needs to survive until after October 1? Sure, it can complete its loan application, but it cannot get the cash it needs, and that message will go out again tonight. It will chill the atmosphere for lending. My colleagues know the Transportation Stabilization Board will not want to process anything for fear that Congress is about to undercut it. Why are we doing this? What sense does it make? It does not save a dime.

The CHAIRMAN. The time of the gentleman from Virginia (Mr. MORAN) has expired.

(On request of Mr. OBEY, and by unanimous consent, Mr. MORAN of Virginia was allowed to proceed for 5 additional minutes.)

Mr. MORAN of Virginia. Mr. Chairman, I thank the gentleman from Wisconsin (Mr. OBEY), ranking member of the full committee.

Mrs. MYRICK. Mr. Chairman, will the gentleman yield?

Mr. MORAN of Virginia. I yield to the gentleman from North Carolina.

Mrs. MYRICK. Mr. Chairman, I appreciate the gentleman's dedication to this issue, as well as the other Members on his side of the aisle and on our



side of the aisle, and I would tell my colleague that we are very committed to doing everything we can to make sure this problem is taken care of.

Yes, there is a problem here on the House side, we understand that, but by the same token, it does have to work its way through the whole process, and that is what we are looking at and working on, to get the assurances that we need that the money will be there, that they will be able to get these loans, and that they are not going to go bankrupt. We have no intentions of allowing that to happen.

It is very unfortunate these provisions were put in this bill the way they are, but we want to do everything we can through our leadership and through the Senate to make sure that this is taken care of, and I appreciate the gentleman yielding.

Mr. OBEY. Mr. Chairman, will the gentleman yield?

Mr. MORAN of Virginia. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Chairman, I thank the gentleman for yielding.

There are 2 distinct issues on this point. First is what will happen to U.S. Air, and, frankly, I cannot tell, and that is the problem.

The second problem is that the original committee provision was scored as saving \$400 million. That was the proposition that said that the Transportation Department could not issue any loans from this point on for the remainder of the fiscal year. That was estimated by CBO to save \$400 million, but now we are being told that even though it is being suggested that this loan may go ahead, we are still being told by OMB, and I understand the House Committee on the Budget, that we are going to save \$1.3 billion by this provision, even though the loan that is being foregone is allegedly going ahead.

I find that hard to follow.

Mr. SPRATT. Mr. Chairman, will the gentleman yield?

Mr. MORAN of Virginia. I yield to the gentleman from South Carolina.

Mr. SPRATT. Mr. Chairman, CBO scored it, I have a letter and I put it in the RECORD, at \$343 million. That is the accurate scoring for this, and that is the question I am raising. For that sum of money, why put U.S. Airways flying into jeopardy?

Mr. OBEY. My point is, I understand that is a legitimate concern, but my point is another concern. I am concerned about putting the integrity of the Federal budget process in jeopardy, and my problem is that when we are told that the loan that was not going to go through is now going to go through and yet we are going to save more money than we were to spend originally, that is sleight of hand to me, and it looks a little bit like Arthur Andersen accounting to me.

So I do not understand how we can say this loan is going to go through and yet we are going to save three times as much money as CBO origi-

nally estimated. It does not compute and it also does not make clear what is going to happen to the airline, which is an overriding and justifiable question in the minds of many Members tonight.

Mr. SPRATT. Mr. Chairman, if I could simply ask, am I wrong? I believe the \$343 million is exactly what CBO scored it as, and number 2, does this really save anything? If this is just an obligatory delay that says that the money cannot be obligated during the summer, but come October 1 it can be obligated, it does not save anything, why do this? Why go through shenanigans like this just to claim a credit that is not really a credit? It is not a savings. If I am wrong, I will stand corrected.

Mr. MORAN of Virginia. Mr. Chairman, reclaiming my time, I would say to the gentleman, I have seen the CBO analysis dated today, that it is only \$343 million. It is not \$1.3 billion.

Mr. SPRATT. But that is for 4 months.

Mr. MORAN of Virginia. Mr. Chairman, the gentleman is absolutely correct.

My other concern is I know how sincere the chairman of the Committee on Appropriations, the chair of the Subcommittee on Transportation, the chair of the Subcommittee on Commerce, Justice, State and Judiciary, and the gentleman from Virginia (Mr. TOM DAVIS) has been working very hard on this.

I believe we had the votes in full committee to strike the language. We were assured that we would not have to do that because it would be taken care of, and my concern is that I do not know at this point how it is going to be taken care of, and if the House bill leaves the floor, I am very much concerned it is going to be too late.

Mr. OBEY. Mr. Chairman, will the gentleman yield?

Mr. MORAN of Virginia. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Chairman, I would like to suggest the answer to the gentleman is that the only reason at this point that this is in here with this outlandish estimate is to make the bill look like it is paid for when it is not. This \$1.3 billion savings, in my view, is a fictional savings of OMB and the Committee on the Budget.

Mr. CARDIN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I was listening with interest to the discussion about U.S. Airways. I represent Baltimore, which has an interest in the direct health of U.S. Airways, and I think it is very clear that we are using accounting gimmicks again in order to satisfy budget rules because we do not have a straightforward budget, and I mention that, Mr. Chairman, because there is a lot of good things in this supplemental appropriations bill, and many of us are going to be voting for a lot of the issues that are underlining the bill itself, but we are compelled to speak about the unfair procedure and the un-

democratic principles that are being used in the legislation that we are considering on the floor this evening.

We are talking about provisions that were added after the bill came out of the Committee on Appropriations. I want to compliment the chairman and ranking member of the Committee on Appropriations. Many of these issues were worked out in committee that are good provisions, and we want to move them forward, but, unfortunately, what was added by the Committee on Rules and by our last vote, we are, for example, deeming the Republican budget as being enacted for the purposes of the Committee on Appropriations work.

Well, that gives approval to a budget that is just not realistic. It does not protect the priorities that many of us believe in, that the majority of this House believes in. We are not going to be able to deal with education or Medicare, prescription drug or transportation or homeland security or the airline industry in a straightforward way on the budget that was deemed by the rule that we approved a little bit earlier this evening.

So now what are we going to do? We are going to go back to gimmicks. We are going to go back to waiving all these rules. No budget discipline at all. That is the concern that many of us have about the procedure that is being used tonight.

We clearly are going to move to large deficits again. We are going to protect large tax cuts, but we are going to move to large deficits, and we are going to use Social Security funds. We are going to borrow those funds to cover the other obligations of the United States Government.

How often have I heard the Members of this body talk about a lockbox? We are going to make sure that money is not used, and, oh, yes, we have had some unexpected expenses, but that is not the reason we have the large deficits. The large deficits are a direct result of the budget and the tax bills that were passed. My colleagues know that; I know that.

We should be able to debate that issue here on this floor, but, instead, what are we doing, we are using a magic wand to do certain things rather than having a full and open debate on the budget issues and on the debt ceiling. So it will be extremely difficult for us to deal with Social Security.

Mr. Chairman, let me point out that the moneys that were in the surplus were used in just about every proposal that has been brought forward to deal with Social Security, including the bill that was filed in the last Congress by the gentleman from Texas (Mr. Archer) and the gentleman from Florida (Mr. SHAW), and now those funds are to be borrowed and used for the general obligations. That is wrong, and we all know that we are using a stealth process so we do not have to deal with the direct debate on this floor on the debt ceiling.

We should have a direct vote on that issue. We should talk about it. We

should talk about how we are going to deal with the future debt. As I understand it, Republicans are going to be asked to raise the debt by \$750 billion. \$750 billion. Look at how much of the tax bill is going to have to be paid for by additional borrowing. I am not sure that is exactly what the American public wants us to do.

We are going to go back to the red ink again. What we should be doing, we should take a little pause in the action, we should sit together and work out a bipartisan agreement on a budget, and if we had a bipartisan agreement on a budget, with the other body, with the administration, then we would have a supplemental appropriation bill here that could be considered in a relatively short period of time.

We could have a prescription drug bill for Medicare that we could all agree upon and really get something done for our seniors at last. We could have a budget that would speak to the priorities on education and on homeland security, on the other issues, and we could really deliver for our constituents.

So, Mr. Chairman, many of us are going to express the frustration tonight that the process that the majority is using is unfair; not unfair to the Democratic Members, it is unfair to the American people. We deserve better. The American public deserves better, and I would urge my colleagues to use the time to get together so that we can produce a bipartisan budget so we can produce results for the people of this Nation.

Mr. YOUNG of Florida. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I listened attentively to all of these speeches. What I have to say is this is an emergency, wartime supplemental. Political speeches about whatever my colleagues want to make political speeches about, that is all well and good. Why do my colleagues not do that on some other bills? This is a wartime, emergency supplemental.

The military is running out of money, especially those who are directly involved in the war in Afghanistan. We have got to protect those soldiers that are deployed. We have got to make sure that they have whatever it is that they need to fight this war. We have got to provide for the FBI and the intelligence agencies. Let us focus on what this bill is all about, and it is about protecting America. It is about seeking out those who would terrorize America. It is about securing our places and our people, our seaports, our airports, our airplanes, public gathering places. That is what this bill is about. This should not be a vehicle for political speeches.

□ 2100

Mr. OBERSTAR. Mr. Chairman, I move to strike the last word. And, Mr. Chairman, I do so to applaud the gentleman from Virginia (Mr. MORAN) for raising appropriately the issue of USAirways. I think it is, to put it

mildly, bad faith on the part of Congress to terminate the loan guarantee program, and it is an act at the worst possible time for this carrier, and for other carriers along with it, who have indicated their likely need to apply for the loan guarantee program.

Virtually everybody in this House voted for both the compensation program and the loan guarantee program last fall when it was crucially necessary to save America's airlines from financial liquidation. That legislation passed overwhelmingly to the great credit of the administration. They came forward and said, yes, we need to do this, when we in the House were already talking about the need to save America's airlines, who were bleeding at the rate of \$360 million a day because they could not operate.

And the reason we enacted that legislation was that it was an act of government that shut down the Nation's airlines in the national interest, out of security concerns. It was an appropriate action. But we caused the airlines, we, the government, caused the airlines to lose billions of dollars in the national interest. We recognized that it was a necessity for the government then to come back and not make the airlines whole, but at least put them in the position they were in at the moment of the order for all airline operations to cease on September 11.

Mr. Chairman, 2,460 commercial airliners were brought on the ground within 2½ hours and did not operate for 3 days. And then, for a month after other airports were opened, National Airport remained closed. This is the hub, the base of USAirways' operations. The order of government not to operate out of National Airport hit this carrier disproportionately greater than any other carrier in the United States. I find it short-sighted, bad faith, poor judgment, poor calculation to say, oh, we have taken back what we offered you last fall. It is just simply not right. It is not fair.

And I do not want to get into all these other discussions about what else is in this supplemental appropriations bill. This particular provision is really harmful and hurtful and goes back on our word that we gave in this body to the airlines of the United States: we will make you whole to the point that you were at when you could not fly, and we will provide loan assistance, payback with all sorts of guarantees that I participated in crafting into the loan guarantee program in the Speaker's office, the night of the President's address to the Nation. And now the program is there; and all of a sudden you are pulling the rug out from under this carrier that has suffered a disproportionate burden compared to other carriers in the country because of the shutdown of National Airport for over a month.

Now, I heard the gentleman from Virginia (Mr. TOM DAVIS) say that we will fix this somehow over the course of the next few days. "Somehow" is no help

to the financial institutions. It does not give them a whole lot of confidence at all. It gives them zero confidence, in fact. This needs to be fixed now, before this bill leaves the House, whether it is a statement by the chairman of the Committee on Appropriations or a statement by the Office of Management and Budget.

I think our ranking member on the Committee on the Budget has already spelled out how little, how ephemeral, how chimerical the savings will be. Surely we can do something in the course of this evening, which apparently is going to be a very long evening; and I appeal to the chairman. I do not fly USAirways. They do not serve Minnesota.

The CHAIRMAN. The time of the gentleman from Minnesota (Mr. OBERSTAR) has expired.

(By unanimous consent, Mr. OBERSTAR was allowed to proceed for 1 additional minute.)

Mr. OBERSTAR. Mr. Chairman, I have an interest only because of my many, many years of action in the aviation sector as the former Chair of the Subcommittee on Aviation and a desire to do the right thing.

Mr. YOUNG of Florida. Mr. Chairman, will the gentleman yield?

Mr. OBERSTAR. I yield to the gentleman from Florida.

Mr. YOUNG of Florida. Mr. Chairman, we want to do the right thing as well, but I want to remind the gentleman that this loan program was enacted into law on September 22 last year.

Mr. OBERSTAR. I said that just a moment ago.

Mr. YOUNG of Florida. I just want to remind everybody. And as of tonight, as we stand in this Chamber, certain airlines have not even made their application, knowing full well that under the law that we passed last September the application process terminates on June 28. That is rapidly approaching. So the airlines are not totally free of guilt in not getting the job done.

All that aside, we are prepared to try to help keep our airline industry viable. And the only airline that I can fly direct to my district is USAir. I do not want USAir to go out of business or to go bankrupt. I want to help them. But I have to tell my colleague that they could have applied for this loan guarantee a lot earlier and they did not.

The CHAIRMAN. The time of the gentleman from Minnesota (Mr. OBERSTAR) has again expired.

(By unanimous consent, Mr. OBERSTAR was allowed to proceed for 1 additional minute.)

Mr. OBERSTAR. Mr. Chairman, I just want to point out to the chairman that the regulations for the loan guarantee program were not available until early this year, along about January-February. And the person administering the program was not put in place until just about that time. It has been very difficult for the carriers to understand how this program would be

administered. Further, they wanted to wait and see whether they could be whole on their own.

So I do not exonerate the airlines, but there were mitigating factors. And this carrier is particularly vulnerable. If we lose USAirways, then on the east coast the cascading effect will be that there will be a diminution of competition in the airline sector.

The CHAIRMAN. The time of the gentleman from Minnesota (Mr. OBERSTAR) has again expired.

(By unanimous consent, Mr. OBERSTAR was allowed to proceed for 1 additional minute.)

Mr. YOUNG of Florida. Mr. Chairman, will the gentleman yield?

Mr. OBERSTAR. I yield to the gentleman from Florida.

Mr. YOUNG of Florida. Mr. Chairman, our heart is in the same place, I would tell the gentleman. But the gentleman's facts are not exactly correct, because the first application under this program was America West and it was filed on November 28 of last year. So the regulations were in order much earlier than the gentleman suggested.

Mr. OBERSTAR. Reclaiming my time, Mr. Chairman, America West filed before the regulation process had been fully implemented. They were in much more desperate shape than USAirways, no question about it. The full set of regulations was not in place at that time.

Mr. MORAN of Virginia. Mr. Chairman, will the gentleman yield?

Mr. OBERSTAR. I yield to the gentleman from Virginia.

Mr. MORAN of Virginia. Mr. Chairman, let me just share some information regarding USAirways. In the first place, USAirways attempted to sustain its operations as long as possible without having to draw on a Federal loan guarantee.

In the second place, as I think the gentleman knows, USAir has been working very diligently in working out labor agreements and showing a long-term plan so that this loan guarantee will be able to be paid off and they can show a viable financial plan into the future.

This is a very difficult process for such a large airline.

Mr. WALSH. Mr. Chairman, I move to strike the last word.

Mr. Chairman, before my colleagues jump again to react to the airline industry, I would caution that we think about the way the airline industry responded to our last legislative action. Within hours, Mr. Chairman, within hours of the passage of that airline bailout, USAirways fired hundreds and hundreds of its employees. Not only did they do that, they fired and closed reservation centers of their most senior, most experienced reservationists because they could save more money that way. And then they did not give them the opportunity to be rehired at other locations. They went out and the reservation centers that needed additional employees, they hired people "off the

street," because they could hire them at a lower wage.

This is the airline that charges customers seven times what other airlines serving the same two cities charge. This is the same airline that has average employee costs of \$87,000. This is the same airline that provides service in 37-seat prop jets when they could go out and purchase new regional jets that would provide dramatically better service, and they are asking people to fly in those 30- and 40-year-old planes because their contract with their pilots will not allow them to buy new regional jets. This is the same airline that came back to us and said we need your help on this bill, and they still have not got their loans filed.

It is no surprise that an airline this poorly managed would not have their paperwork done. So before we proceed to give them more help, let us remember what they did the last time we provided them with help. Lord knows what they will do to their employees and their customers this time.

Ms. ESHOO. Mr. Chairman, I move to strike the last word.

Mr. Chairman, many of us wait not just minutes but hours to come to the floor to speak, and this evening, after listening to this debate about only a slice of what is in this supplemental, I cannot help but observe that this distinguished body, this great House of Representatives, has somehow created a mess. And I think the mess, and I do not like using the word, it is not out of disrespect to any individual, but haste can make a mess.

I listened to my colleagues who serve on the committee who said we had something drawn up and then something happened at the Committee on Rules. There is a frustration on my side of the aisle that we cannot offer anything to amend this. That is wrong. For people that served in the minority for 40 years, my Republican colleagues know that is wrong.

My colleagues know, and we all know, what a credit card is. If someone took any one of our credit cards and put \$750 billion on that credit card without our knowing about it, we would be the first ones to dial up and say, something has gone wrong. I have taken votes when I was new here and my leadership said it is important for the country to raise the debt limit. But, no, no one is brave enough on the other side to take that straight vote up or down.

We are accountable to our people. And so now the Nation's debt goes higher. I should not, and none of my colleagues on the minority side should be lectured to say that what we say is political. We ran for this office because we love this country. We all do. But we are not doing right by her by hiding in a poorly drafted, jammed-through-a-committee supplemental.

This is not right. It is not becoming of this House and this body. All joking aside, my colleagues know when they go home how their constituents respect

them. How can anyone answer for raising this, incurring more debt, and not explaining it to the American people without even taking a vote.

I have heard over and over and over again the lectures. I do not need to be lectured, and no one here does about how much we love our country and want to defend her. That is not the issue. That is not the issue. So it is with deep regret that I stand up this evening with a great deal of frustration and an enormous amount of sadness.

We can debate our issues and hold our ground and still respect one another. But to do this, this is wrong. This is wrong. America, tonight, \$750 billion was placed on America's credit card and we could not stand up and debate and offer a better idea.

□ 2115

If you have more votes, you can out-vote us. But ideas are at the heart of this democracy. I believe my constituents would object to this, Republicans, independents, and Democrats, because it is not becoming of those we represent, it is not becoming of the process that we should follow in a democratic institution, and I want you to know that I object. I object. I object. I object.

Mr. HAYES. Mr. Chairman, I move to strike the last word.

Mr. Chairman, if I might for a moment revisit the issue of USAir. The Eighth District of North Carolina has a number of USAir employees. I want to reassure them in spite of some of the things that they may have heard, that I and others here are vitally interested, whether they are machinists, pilots, caterers or other people who work at USAir. We worked very, very closely with every aspect of USAir to make certain they had every possible chance to work with us.

My colleagues here on the floor heard earlier today a very specific colloquy between the gentleman from Virginia (Mr. MORAN), the gentleman from Virginia (Mr. TOM DAVIS), the gentleman from Virginia (Mr. WOLF), and the gentlewoman from North Carolina (Mrs. MYRICK), very specific, about our ability, desire and capability of working with USAir to make sure that there is a proper outcome for those very valuable employees.

Mr. MENENDEZ. Mr. Chairman, I move to strike the last word.

(Mr. MENENDEZ asked and was given permission to revise and extend his remarks.)

Mr. MENENDEZ. Mr. Chairman, with all due respect to the distinguished chairman of the Committee on Appropriations, when Republicans put the debt ceiling in this legislation, they politicized the process. When they put deeming the budget, the Republican budget, in this process, they politicized the process. So to be lectured to that we are politicizing the process, we are responding to what you have created on the floor which you control as the majority.

For those who might not understand the sometimes arcane rules of this institution, let me put what is going on here in very plain language. Republicans have already spent all of the surpluses we had well into the future and now they are trying to get a further credit line increase without even giving us a chance, those of us who represent 49 percent of all of the American people on this side of the aisle, to approve it in an up-or-down vote.

There are some of us here, and many Americans out there, who think that raising America's debt limit is irresponsible. Why are you hiding your efforts to increase America's debt? You are hiding behind it because you clearly must be ashamed of the mess that you have made of America's budget. They are hiding behind it because they do not want the American people to know that you are raising the ceiling on how much they will owe, and their children and their grandchildren. And why do they need this debt limit increase in the first place? Not because of the recession. After all, the Congressional Budget Office is projecting deficits long after the recession is supposed to be over. Not because of the war on terrorism, which we support. Because even if you add up every last additional dollar we are spending on the war abroad and here, it does not even come close to accounting for the debt increase Republicans are proposing. So why the huge increase in debt? The answer is obvious. Republican fiscal mismanagement.

Democrats support fiscally responsible tax cuts that are paid for. But this bill saddles our children and grandchildren with huge debts that will take generations to pay off, by taking funds from Social Security and Medicare that our seniors are, and baby boomers soon will be, relying on, by increasing the amount of interest Americans pay on this debt, which is nearly \$1 billion a day.

Huge debts, deficits as far as the eye can see. Social Security raided; higher interest rate payments; the Republican fiscal plan is a disaster. Republicans passed this budget. They cannot blame anyone but themselves for the fiscal mess we are now faced with. But today they want to pass the buck to working Americans to clean up their mess and they think they can pull the wool over the eyes of the American people while doing it. At least you should have the courage to stand up and vote for what you have done. At least they should have the courage to do this out in the open instead of by illusion.

We Democrats demand the chance to vote on and oppose your irresponsible debt limit increase, this reckless credit card spending binge that you are on. But if you will not give us the chance to vote against a debt limit increase, this reckless credit card spending, if you are determined to hide it from the American people in this bill, if you are determined to raise the debt of all Americans even without so much as a

single vote, then the shame is theirs, as are the consequences.

This is exactly what we Democrats said would happen if you passed your irresponsible budget. So I would say to my Republican colleagues, you who want to blame this fiscal mess on the recession, tell that to the laid-off workers whose unemployment benefits you held hostage for weeks. And do not try to blame it on the war on terrorism. You dare not use our fighting men and women as an excuse for the deficits you have created. If you want to know who is to blame for our return to deficits, merely look in the mirror. This is an abomination on the greatest democratic institution in the world that in the marketplace of ideas that we promote throughout the world we cannot have a vote up or down on the debt ceiling so that the American people will know how you are hocking their future generations for generations to come.

It is a shame. It is an abomination. That is why you will hear the anger throughout this evening as I think you will hear it from the American people in the days ahead.

Ms. SCHAKOWSKY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise today with great admiration for my colleagues across the aisle. That is because I admire what my family calls chutzpah, or nerve, some might say gall, but not me. An ordinary person watching tonight might think that the Republican leadership would be just a little bit sheepish about coming here today and proposing a supplemental budget that we really do not have the money to pay for without dipping into the Social Security trust fund, a trust fund that just a few short months ago was safely ensconced in a lockbox, a lockbox that, if I remember correctly, one after another of those same Republican leaders declared loudly and eloquently would never, ever be unlocked. Oh, no, we would never dip into the Social Security lockbox. And why? Because we had such a huge surplus, a surplus, if I can be rude enough to mention, was inherited from the Clinton administration, a surplus of \$5.6 trillion, a surplus so large that these leaders scoffed at those of us who warned that the future is too uncertain to throw trillions of dollars of tax giveaways to the richest of the rich.

I admire my Republican colleagues that despite the fact that \$5.6 trillion of surplus is gone, gone, that we are now facing a \$300 billion deficit this year, rather than being even the slightest bit embarrassed or apologetic, they are pressing aggressively ahead with a supplemental budget that, among some very worthwhile things, also takes money out of rural hospitals, expands the war in Colombia, ignores our housing and health care needs and is all paid for by raiding the Social Security trust fund. And I admire their arguments. It is war. How dare we be so unpatriotic as to bring up trivialities

such as Social Security or debt or even fiscal responsibility? We are just being political. Although it does occur to me that there just might be such a concept as economic patriotism, that at a time of new demands caused by war, caused by our efforts to end terrorism, that it might be just the perfect moment to reconsider such things as tax cuts for the richest. Their forcefulness, some might call it sanctimony, but I do not, is laudable.

And perhaps the cleverest of all, some would say too clever by half, but not me, is the way that the Republican leaders are disguising the way they want to come up with the money that we simply do not have. They want to borrow \$750 billion more money than the law currently allows, borrow even more money from Social Security and also the Medicare trust fund. But just asking for it would not look good. After all, so many of their Members sponsored a resolution to amend the Constitution making it especially hard to borrow more money, a resolution that proves how fiscally responsible they are.

Some of my Republican colleagues from Illinois, including the gentleman from Illinois (Mr. SHIMKUS) and the gentleman from Illinois (Mr. CRANE) are proud cosponsors of this resolution. Perhaps they can explain the embarrassing truth that this supplemental appropriations bill is nothing more than a stealth maneuver to orchestrate a backdoor increase in the debt limit, the same as raising the credit card limit on a credit card, but I do not expect that they are embarrassed by this fiscal sleight of hand. I congratulate them for it. As I said, I admire chutzpah. But maybe, just maybe, their constituents, who not only talk about fiscal responsibility but who practice it every day balancing their checkbook, paying their credit card bills, saving for college and saving for a rainy day, might not be as admiring as I am of this squandering of the surplus, this raiding of the Social Security, this cynical effort to borrow more money without even taking a vote on it, without any apology. They might not appreciate, as I do, the chutzpah it takes to play with such finesse at this dangerous budget game.

Mr. EDWARDS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, when this bill was presented to the Committee on Appropriations, a committee on which I sit, the distinguished chairman of the committee sent a report to each member saying that one of the pluses of this legislation was that it was a clean bill designed to provide emergency funding to fund our war against terrorism and homeland defense. I applauded that approach. Unfortunately, because of the late-night, closed-door, secret plan effort of the Committee on Rules, this bill is no longer a clean bill. It has been sullied by partisan amendments that have absolutely nothing to do with funding our war on terrorism. I find it

somewhat ironic that some of the same people who say we should support this process tonight out of patriotism for our war against terrorism just happen to be exactly the same people who orchestrated the process of the Committee on Rules so that these controversial extraneous amendments would be forced on this legislation, thus slowing down the funding for our war on terrorism.

What is wrong with all of this? Let me count the ways. First, adding \$750 billion in deficit spending could certainly undermine the future of Social Security and Medicare. When you add that extra debt onto our already enormous \$6 trillion national debt and consider the enormous interest payment that taxpayers have to pay each year on that, we could in effect be putting at risk benefits for Medicare and Social Security recipients.

Second, \$750 billion in deficit spending will increase the cost for homeowners to buy a new home, for family businesses to build or expand their businesses, or for families to buy a car by increasing interest rates, a direct result of massive deficit spending. In fact, if we increase the mortgage rate, interest rate on a \$100,000 home in America, that family will have in effect their taxes increased by \$1,000 a year. That is what is wrong with this secret, late-night plan to raise our deficit spending by \$750 billion.

Let me count the additional ways that this is wrong. Third. This kind of deficit spending will lead to higher taxes for hard-working Americans. In fact, interest on the national debt today is one of the 5 largest expenditures of the Federal Government out of the thousands and thousands of programs we fund. In fact, last year on average every man, woman, child and infant in America was responsible for \$1,200 in taxes just to pay the interest on our present national debt, not to speak about the extra \$750 billion we are going to add to that debt.

□ 2130

In fact, if one assumes a 5 percent interest rate on this \$750 billion increase in deficit spending, that amounts to about \$37.5 billion a year in increased taxes on the American people, simply to pay the interest on that debt. That is what is wrong with this bill and this process.

Fourth, in increasing deficit spending by \$750 billion through this measure, we are going to make it harder to fund priority national programs such as national defense, veterans' health care and education.

Fifth, I think it is wrong to burden our children and grandchildren with a \$6.7 trillion national debt. We in this generation of Congress have no right to drown our grandchildren in a sea of national debt.

Sixth, by slowing down this bill with controversial, unrelated amendments, partisan amendments that have nothing to do with funding the war on ter-

rorism or homeland defense, we basically end up harming national defense, because we will force military training at bases such as mine, Fort Hood in my district, to be delayed or canceled in order to fund our war on terrorism, because we will not pass this bill as quickly as we could pass it had we not had these extraneous, late-night, secret amendments added to this bill.

Now, perhaps the handful of Republican district hospitals given special treatment at the cost of every other rural hospital in America stuck in this bill, maybe those hospitals have some unknown direct relation to fighting our war on terrorism and homeland defense. I certainly have not heard that explanation in this debate tonight.

Mr. Chairman, if increasing the national debt by \$750 billion, if adding that burden on our children and grandchildren, cannot pass the test of open debate and an honest vote, it does not deserve to be hidden in a bill purported to fund our war on terrorism. Shame on our House if we do that.

Mr. POMEROY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, the chairman of the Committee on Appropriations, a man for whom I have great respect, a colleague I enjoy working with, has described this bill as the emergency wartime supplemental. Indeed, much of the content of this bill does exactly as the chairman describes. Unfortunately, and I believe it is extraordinarily unfortunate, the chairman was unable to keep his bill relative to the emergency wartime supplemental purposes he speaks so convincingly about.

Once again we see critical legislation hijacked somewhere in the legislative process, in the bowels of the majority leadership somewhere, and turned into something quite different than what it initially purported to be.

There is a feature of this bill that I feel is extraordinarily unfortunate, and that is what I rise to point out tonight. Language in this bill sets the stage for a significant increase in the national debt. One year ago, 1 year ago tonight, we were not talking at all about raising the national debt, we were not talking about deficits; we were looking at a 10-year surplus of \$5.6 trillion. What we now know is the 10-year outlook has deteriorated \$4 trillion.

Mr. Chairman, we have presided over the worst reversal of financial fortune of the United States Treasury in the history of the country. We all ought to be alarmed. Those who voted for legislation contributing to this reversal ought to be ashamed.

But we all ought to realize, one to another, that something has got to be done. We wanted to have, at the time you were going to seek to raise the debt, because we know now the budget is in the red this year, running in the red to the tune potentially of \$140 billion, that is almost half a billion dollars more out the door in spending a day than we are bringing in, and you were going to ask us in participating in

raising the debt limit, we had a request for you, a very simple, very straightforward request: Show us your plan. Show us your plan to get us out of this debt. Show us your plan to get us back to the black. Reverse this run of red ink, this shame you have brought upon the fiscal policy of this country.

We deserve that, and the American people deserve that, a discussion about what was required by way of raising the debt limit, a discussion about a plan and a process to get us back to black, as simple as one, two, three: The majority passes their budget, we go into the red, debt limit increase required. But show us a plan to get out.

It is important, it is very important, that we work together to get back to the black as soon as possible. There is nothing Republican, there is nothing Democrat, about the demographics facing this country. Those demographics have a very harsh fact that we ought to think about every single day. Seventy-eight million Americans in the year 2010 will be within 10 years of turning 65. Within that next decade they will be on Medicare. Within that next decade they will be on Social Security. Should I be alive, I will be one of them, because we are the great baby-boom bulge, about to place a strain on entitlement spending like never before.

Obviously we know this is coming. We can see it in the age trends. We have got to prepare. There is no great mystery of fiscal policy to prepare for the hit we are about to take. We have got to pay down the debt. We have got to make sure the Social Security dollars coming in are held for the benefit of Social Security. We have got to prepare.

Instead, we are doing the worst thing we can do. If paying down the debt and making our country fiscally stronger is the best thing, we are doing the worst thing. We are taking Social Security revenue and we are spending it on other programs; we are taking dollars coming in from payroll taxes from the guys working hard every day, counting on that Social Security, and we are spending it on other programs. Rather than strengthening our fiscal position, we are back into borrowing and adding debt onto our country.

We have to stop this practice. Chickens have a way of coming home to roost, and unchecked debt means reduction in Social Security benefits.

Mr. HILL. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I support providing whatever funds the President needs to fight the war on terrorism. I do not think there is a Republican or a Democrat in this body that does not support the President in fighting this war on terrorism; all the more reason Congress should not be playing politics with this bill, a bill that supplies important funds for our fighting men and our fighting women.

Hiding a huge increase in the national debt limit and an assortment of other budget gimmicks to this bill

under the cover of darkness, literally in this case, is a political game. A \$750 billion increase in the national debt requires, for heaven's sake, an open and thoughtful debate. A \$750 billion increase in the national debt requires, surely, an up-or-down vote, not in secret. But we are not going to get either one of those offers this evening. And to this I say shame on the majority.

I know all of my constituents expect certain things, regardless of their party affiliation: Straight answers and a willingness to be held accountable for our actions. They know if they charged their credit cards to the limit, they have to pay down their balance or work out an arrangement with the credit card companies to get an increase in their credit limits. They most certainly cannot write a small note on the memo line of their checks to the credit card companies asking those same companies to "please raise our credit limits" and expect it to happen.

Why should Congress be any different? Why should Congress get to operate under a different set of rules? The short answer is that Congress is no different and should not be able to operate under a different set of rules.

Congress should be held accountable for this \$750 billion increase in the debt limit and the actions that have made this increase necessary. The days of surpluses are gone, and in a very short time the Social Security lockbox has been emptied and the days of deficits and borrowing money from the public to pay the government's bills are back. Yet the majority has no stomach for taking a step back, looking at the whole budget picture, figuring out how we got into this mess and how we are going to work to try to get out of this mess.

My colleague, the gentleman from Kansas (Mr. MOORE), and I each offered amendments that would have helped restore fiscal discipline to the Federal budget process. In fact, the Moore-Spratt amendment would have provided limited increases in the debt limit and required Congress and the President to develop a plan to balance the budget without counting Social Security.

My amendment would have imposed discipline and accountability in the budget process by extending and strengthening the spending limits and pay-go rules in the Budget Enforcement Act, something that we have been living under for the last several years, something that you all think is necessary, that you voted for. And yet you will not allow that amendment to be put in this spending measure. My amendment would have imposed discipline.

But both amendments were ruled out of order. Instead of an open debate on these amendments and what should be done with the government's maxed-out credit card, the majority hid a \$750 billion increase in the national debt in this important bill. That, I am afraid, is an action my constituents would find to be a little less than honest.

I have been told by my colleagues on this side of the aisle that if the Democrats would be in the majority this evening and would have been offering this bill here this evening, that you on the other side of the aisle would be yelling to the heavens against it, that we should not be increasing this debt limit. And I have no doubt, I have only been here for 2 years, I have no doubt that we have been guilty of what you are doing tonight.

So it is time to put away the foolishness of the past. It is time to admit the Democrats in the past have done the wrong thing, and it is time for you all to admit, I would hope, in the sense of doing the right thing, that we have the opportunity to vote up and down on this vote; that we are not doing it in the dead of night; that we do it in a way that is honest; that we not resort to the politics as usual; that we be bipartisan and straightforward with the American public; and that I think the American public would appreciate that.

Mr. PETRI. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise to point out that under the protocols established by the majority leader, the Committee on Rules of this House, when it brought rules forward, was to allow committees that are authorizing committees if they notified the Committee on Rules of concerns they had that represented appropriation that was unauthorized on a bill of this sort, that they would be subject to a point of order. Unfortunately, that has not been done in a number of cases where things that are amounts of money that are not authorized are in fact being appropriated out of the Highway Trust Fund.

We have worked very hard in this body over the last several Congresses to reestablish the concept of a Highway Trust Fund; to reestablish trust, put trust back in the Highway Trust Fund. And yet the legislation, unfortunately, would provide for funding some \$19.3 million for border enforcement activities; a very good program, but one that is not authorized from the trust fund. That will mean less money available for important transportation needs in our country. It is something that should be done out of our general revenue, not out of the Highway Trust Fund without an authorization.

The second thing I would like to point out is that the legislation does provide for some \$5 million for the Safety Permitting Program to come from the Highway Trust Fund. Again, the Safety Permitting Program is under the Hazardous Material Program. The HAZMAT Program is funded from general funds and is funded out of registration fees.

□ 2145

This is something that again will result in less money available for transportation needs in this country and will free up funds for other programs. I understand the problems that we have, but this is not a proper use of the highway trust fund.

In addition, there are over \$4 million being provided for background security checks, again out of the highway trust fund. This is not something that was contemplated, it has not been authorized, and it should not have been done; and I regret it. I want to call it to the attention of the Members as this legislation moves forward through the process, which I am confident it will do, so that we can, as we refine this legislation in conference and it comes back to the floor, maintain the principle of integrity of the transportation trust fund that we have all worked so hard, really all of us have worked so hard to establish.

Ms. SOLIS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I am looking at the clock now and wondering what my constituents are doing on the west coast in Los Angeles, California; and I know that they are probably just finishing up their dinner, and maybe not dwelling on what we are doing here in the Congress. But I can tell my colleagues that the people in my district would be shocked. They would be alarmed to know that language has been inserted in this bill that is going to be voted on tonight to allow for a huge increase in the national debt limit, and I think it is irresponsible; and I know that many of them would feel that same way. Worst yet, it forces us to play Russian roulette with the livelihood of our Nation's seniors and the future of America's children. Social Security should provide just that: security. But by raising the debt limit today, we endanger our Nation's safety net which allows our senior citizens to live out their golden years with dignity and respect.

We are playing with the lives of our senior citizens, men and women who have worked hard for our Nation and deserve the full benefits of Social Security to help pay for their rent, their food, and their prescription drugs. We are playing with the lives of our baby boomers, who must not only help care for their senior citizen parents, but also have to plan for their impending retirements. What about those people?

We are playing with the lives of our young people who every day pay into Social Security, but which may not be there to provide for them when they need it.

Just last year, our Nation enjoyed one of the largest surpluses in American history, but then the Bush administration and the Republican leadership ran through what I call a reckless series of tax cuts designed to provide the most benefit to the richest 1 percent of Americans, many of whom are not seen on this floor tonight. By raising the debt limit, this administration continues to rob the working poor and middle class by stifling them with the additional debt. Raising the debt ceiling weakens Social Security for our current senior citizens and baby boomers like myself.

Look in the mirror. Look at the American future. Last August the



Treasury Secretary, Paul O'Neill, predicted that the United States would not reach into its debt ceiling until late 2003, but now that the Republican leadership has passed its huge tax breaks for the very wealthy, we are quickly being forced to juggle our Nation's accounting books. Raising the ceiling steals, literally steals hundreds of billions of dollars from the Social Security trust fund, from that fund which my parents rely on right now. It is a backwards Robin Hood policy, stealing from the poor and our Nation's seniors to give to the rich.

Mr. Chairman, every day Americans pay \$1 billion in interest on our national debt. That is about 16 cents for every dollar we pay into taxes. Raising the debt ceiling will do nothing to alleviate the problem; it just gets worse.

I am staunchly opposed to this plan. I support a responsible budget that makes needed investments in our national security, protects our Social Security, Medicare, and does not saddle our children and our grandchildren with enormous national debt.

Mr. BERRY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, there are a lot of good things in this bill. It will provide appropriations to help us fight the war on terrorism. It will provide some good things for our veterans. All of these are things that we all support. But I have to tell my colleagues, Mr. Chairman, the way that the attempt is being made to deceive the American people in the dark of night to make it possible to add to the debt of our children and grandchildren, to steal the Social Security trust fund, to endanger the well-being of our senior citizens makes me want a dip of snuff, and I do not even use tobacco.

I grew up in a community where there were a lot of bootleggers. They look like paragons of virtue compared to this crowd. The great country music singer Merle Haggard wrote a song called "Rainbow Stew." I just want to paraphrase this. He said, "When a Member of Congress goes through the Capitol door and does what he says he will do, we will all be drinking that free Bubble-up and eating that rainbow stew."

Well, I am here to tell my colleagues we are getting fed a big pot of rainbow stew tonight.

If this is an emergency wartime appropriations bill, why does it have a stealth effort to raise the debt ceiling to put more debt on our children and grandchildren? Why does it do that? If that is what this is about, why do we not just have an appropriations bill? We do not need one of these chicken-hearted rules that allows for some kind of stealth effort to put more debt on our children and grandchildren, to threaten our senior citizens with losing their Social Security. Why would we want to do something like this? Why not have a vote up or down on whether or not to raise the debt ceiling?

Let us face reality. All the money is gone. It has all been spent. This time

last year we had money in the bank. We were paying off debt. I remember so well the Director of the Office of Management and Budget coming to the Blue Dogs and saying, our greatest fear is that we are going to have so much money that we are going to pay off all the debt and there will not be any U.S. Treasury bonds. Well, dear heart, you can rest easy tonight. There is going to be a U.S. Treasury bond available for as far as anybody can imagine, and our children and grandchildren are going to have to pay it off. That is not right.

I can tell my colleagues that they may do it just because they have more votes; but my colleagues are not going to do it without me coming to this well and raising the issue, and I am not going to go back home and face my children and grandchildren. I am not going to look at my three grandchildren, and they are to me just as dear as anything can possibly be, just like everybody's grandchildren are, and let them look at me 20 years from now, if I am still around, and say, Granddaddy, why did you not do something about that? Why did you let that happen? Why did you put this debt on us? Why did you destroy this country over the only reason you had that was to stay in power and reduce taxes on the wealthiest people in this country? Why did you do that?

When I have to face that question, I at least will be able to stand before them and say, I did everything I could do; but we were not in the majority. We did not have any control over that.

I ask my colleagues to think about what they are doing. Think about what they are doing. All we ask is for my Republican colleagues to sit down with us in this bipartisan spirit I have heard so much about, and if this is bipartisanship, I am a space scientist, and everybody who knows me knows that is not true.

We hear about bipartisanship, but yet we have this single-handed attempt to cram this down our throats. Let us sit down in a bipartisan way. Let us do an honest budget. Let us recognize what we are doing and not steal from our children, our grandchildren, and our senior citizens to do it.

Mr. Chairman, I urge my colleagues not to pass this bill.

Mr. BARTON of Texas. Mr. Chairman, I move to strike the last word.

(Mr. BARTON of Texas asked and was given permission to revise and extend his remarks.)

Mr. BARTON of Texas. Mr. Chairman, I really had not intended to speak tonight on the supplemental appropriation, but I have been locked out of my office due to my own inability to remember my keys, so I have had no recourse but to sit on the floor and actually listen to the debate, which is a very enlightening experience.

Now, I got elected in 1984. From 1985 in January when I got sworn in, to 1995 in January, when the first Republican majority took this House in over 40 years, there was one balanced budget

presented to the House of Representatives to vote on. One, in the first 10 years that I was a Member of this body serving in the minority, and that was the budget that President Reagan supported. I think it got 13 votes, and I voted for it. There was a reception down at the White House and President Reagan asked all of the folks that were willing to vote for a balanced budget to come down, and I believe there were 13 of us. I think all 13 were Republicans, but it is possible that there were one or two Democrats, the gentleman from Texas (Mr. HALL) and perhaps the gentleman from Texas (Mr. STENHOLM). I would have to go back and look at that.

So the first point I want to make about that is that when my good friends who are in the minority tonight were in the majority, they did not present any balanced budgets for the American people; they did not present any balanced budgets on the House floor. Now, when the Republicans got into the majority, we did. In fact, I remember when President Clinton was in office, we had a partial government shutdown because the Republicans were insisting that there be a balanced budget; and at least in that first year, President Clinton said, balanced budgets do not count. We do not need a balanced budget. He later changed his position, and we got balanced budgets; and I will say for the record that both Republicans and Democrats voted for those balanced budgets.

Now we are at a point in our Nation's history where we have had a recession, we have to fight the war on terrorism, we have had to present some budgets that are unbalanced. But let us think about that. There are actually two parts to a Federal budget. There is the discretionary spending budget, and this year that budget is about \$769 billion, \$759 billion, somewhere in that range; and then there is an entitlement portion of the budget, and that entitlement portion of the budget is over \$1 trillion. Then there is interest on the national debt, and that portion of the budget is over \$200 billion.

Now, I have brought to the floor, in the time that I have been a Member of this House, budget process reform bills to change the way we do budgeting, and I had good support from the Democrats in those efforts, trying to change the budget process itself. But under the system that we are operating under today, we cannot do anything about the entitlement part of the budget; we can only do something about the discretionary part of the budget.

The chairman of the Committee on Appropriations has moved heaven and Earth to hold the line on discretionary spending. I am told that the increase from last year to this year in the budget resolution, in the budget the appropriators are working on, is 1 percent, 1 percent.

□ 2200

The chairman of the Committee on the Budget that is sitting at the back

of the room, the gentleman from Iowa (Mr. NUSSLE), presented a budget on the floor that has held the line on discretionary spending. So we are going through the budget process under rules that I think need to be fixed. I want to fix them. I talked to the Speaker of the House yesterday about fixing them.

But under this budget resolution, the budget resolution that we are operating under, we cannot do anything about entitlements. We can only do something about discretionary spending. This supplemental spending bill that is before us this evening is somewhere between \$27.1 billion and a little over \$29 billion in supplemental discretionary spending. That is a good number, and we should vote for that and then work together on a bipartisan basis to reform the budget process later on so that we can do something about the larger issue.

Mr. Chairman, let us keep in mind that there is politics and there is policy. The policy embedded in this supplemental appropriation bill is a good policy. We should vote for it.

Mr. ARMEY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I have taken this time in order to discuss the schedule for the rest of the evening and, indeed, the rest of the week with the Members of this body.

Mr. Chairman, let me begin by apologizing to all the Members of this body. It had been my hope and my expectation that we would be able to complete our work for the week and our work on this bill this evening.

Given that expectation, which seemed reasonable at the time, it was me who advised so many of you to go ahead and make your travel plans so that you could return to your district work periods in your respective districts across the country as early as possible tomorrow. We are all anxious to get home to be with our families, to be with our constituents, and to take up that important work we have scheduled in our districts.

However, it seems that there are a large number of Members of the body that do not have that desire to get home, and have decided they would like to prolong this debate and discuss any number of matters. We could go on through the evening. We could work all night. But, Mr. Chairman, there would be nothing productive, worthwhile, or contributing to the well-being of this Nation if we spent our time in that way.

Far better, I would think, for us to go ahead and complete our work for the evening, rise from the committee, and then resume our work tomorrow. It being a Thursday, we will not be able to resume our work before 10 a.m. I can only make my commitment to the Members of the body that I and the other Members of the leadership, I am sure, on both sides of the aisle will do everything we can to work out whatever agreements might be possible so that we might be able to complete our

work at a reasonable time tomorrow, so that people might be able to reschedule their planes and their travel arrangements, and perhaps make it home by even possibly Friday for their district work period.

The distinguished chairman of the committee, the gentleman from Florida (Mr. YOUNG), is a man of an extraordinary high ability and good heart, as is the distinguished ranking member, the gentleman from Wisconsin (Mr. OBEY). I have every confidence that given the encouragement we might give these two gentlemen, we might find them capable of coming in tomorrow and working out an agreement between themselves and others who have amendments that might pend so that we can accommodate to the desire of the Members to complete this work.

I must say, however, that failure to arrive at these kinds of agreements would result in our staying through Friday, through Saturday, if necessary. I would hope that is not necessary. I know we all have family and constituents that we long to see. But this is about funding the war on terrorism and the security of this Nation. I am sure there is nobody in this body that wants to go home without completing this bill.

Mr. Chairman, while I will ask the Chairman of the Committee to rise from our work this evening and resume it in the morning, it is, again, as I said before, with my most sincere apology to all of the Members on both sides of the aisle who made travel plans based on my assurances that they will have to reschedule them, and it is my sincere hope and belief that we will be able to tell Members a timetable in the morning that will make it possible for them to reschedule in a manner that will be, let's say, accommodating to Members and their families and their travel plans.

I hope Members have a special evening. Let me just say as a final note, the Colorado Avalanche is winning tonight, so all is not lost.

Mr. YOUNG of Florida. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. ISAKSON) having assumed the chair, Mr. THORNBERRY, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 4775) making supplemental appropriations for further recovery from and response to terrorist attacks on the United States for the fiscal year ending September 30, 2002, and for other purposes, had come to no resolution thereon.

#### COMMUNICATION FROM HONORABLE RICHARD K. ARMEY, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following commu-

nication from the Honorable RICHARD K. ARMEY, Member of Congress:

CONGRESS OF THE UNITED STATES,  
HOUSE OF REPRESENTATIVES,  
Washington, DC, May 21, 2002.

Hon. DENNIS J. HASTERT,  
*Speaker, House of Representatives, Washington, DC.*

DEAR MR. SPEAKER: This is to formally notify you, pursuant to Rule VIII of the Rules of the House, that I have determined that the subpoena for documents and testimony issued to me by the United States District Court for the District of Columbia is not material and relevant, and may be inconsistent with the privileges and rights of the House. Accordingly, I have instructed the Office of General Counsel to object to and to move to quash the subpoena.

Sincerely,

RICHARD K. ARMEY,  
*Member of Congress.*

#### COMMUNICATION FROM HONORABLE TOM DELAY, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from the Honorable TOM DELAY, Member of Congress:

CONGRESS OF THE UNITED STATES,  
HOUSE OF REPRESENTATIVES,  
Washington, DC, May 21, 2002.

Hon. DENNIS J. HASTERT,  
*Speaker, House of Representatives, Washington, DC.*

DEAR MR. SPEAKER: This is to formally notify you, pursuant to Rule VIII of the Rules of the House, that I have determined that the subpoena for documents and testimony issued to me by the United States District Court for the District of Columbia is not material and relevant, and may be inconsistent with the privileges and rights of the House. Accordingly, I have instructed the Office of General Counsel to object to and to move to quash the subpoena.

Sincerely,

TOM DELAY,  
*Member of Congress.*

#### INDEPENDENT COMMISSION NEEDED TO DETERMINE FACTS

(Mr. GEORGE MILLER of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous material.)

Mr. GEORGE MILLER of California. Mr. Speaker, evidence continues to mount that we suffered a major, major failure of intelligence prior to September 11.

Our colleague, Senator JOHN MCCAIN, writes in this morning's Washington Post that asking and urging and demanding answers by various agencies, the Federal Government failing to understand the enormity of the danger facing the United States is an obligation shared by all elected officials.

We were told in Newsweek earlier this week that even after the President asked, What is going on here, his intelligence advisors were unable to tease out the facts or decipher the information.

Mr. Speaker, that is why we need an independent commission. We need an independent commission to determine the facts.

Senator McCain goes on to say, "It is hardly a surprise that in a lively democracy, the partisan and institutional loyalties will influence both sides of an honest debate challenging and confronting Federal Government." That is all the more reason to consider impounding an independent commission of trustworthy and experienced statesmen who are not entirely devoid of partisan loyalties.

George Will, the columnist, then goes on to suggest such Americans as George Schultz, Sam Nunn, BOB GRAHAM, DICK LUGAR, Senator Danforth and others who can make up that commission. We owe it to this Nation. We owe it to the families of the victims of September 11.

[From the Washington Post]

#### THE WAY OUT

(By George F. Will)

"The best way out is always through."—Robert Frost.

The Bush administration is in a quandary which is, as Washington quandaries so often are, partly self-inflicted. There is only one way out of the growing—tardily growing; by no means grown too large—controversy about investigating intelligence inadequacies prior to Sept. 11. The way out for the administration is to go through an investigation, and not one conducted by itself.

Eleven days. That is how long it took President Roosevelt after Pearl Harbor to appoint a blue-ribbon commission, headed by Supreme Court Justice Owen Roberts, to examine what was known, and what should have been, prior to Dec. 7, 1941.

More than 250 days have passed since Sept. 11. Last week, one of the most dispiriting in recent Washington history, the administration seemed surly and defensive regarding the inevitably rising tide of questions about governmental intelligence operations before the terrorist attacks.

Understandably, the administration was provoked by some Democrats' crassness in casting their questions in Watergate-era cadences—what did the president know and when did he know it? Actually, a blue-ribbon commission, concerning itself with all three branches of government, almost certainly would vindicate President Bush, who, after all, initiated the Aug. 6, 2001, briefing on the threat of al Qaeda operations in the United States.

The commission also would find that Congress has already begun correcting some problems—for example, belatedly funding modernization of FBI computers, more than 13,000 of which were too old to be compatible with crucial software last year. Given the rapid multiplication of new means of communication, from cell phones to the Internet, the commission should recommend revisions of the Foreign Intelligence Surveillance Act, passed in 1978. The commission should evaluate judicial standards of probable cause when law enforcement agencies seek wiretaps, access to computer hard drives and bank records, and other forms of surveillance covered by Fourth Amendment privacy protections.

The commission should be balanced between Republicans and Democrats but should have an even number of members to underscore the assumption that its proceedings are not expected to be internally adversarial, producing party-line votes and requiring a tie-breaker. A commission of sufficient prestige can perhaps impart to its recommendations momentum that will overwhelm the institutional rivalries that can

make national security a hostage to jurisdictional jealousies. So the co-chairman of the commission should be former secretary of state George Shultz and former senator Sam Nunn, the Georgia Democrat.

Shultz, who also was secretary of labor and of Treasury and was the first head of the Office of Management and Budget, has had more highlevel government experience than perhaps any American in history. And his memoir of his 6½ years running President Reagan's State Department, "Turmoil and Triumph," contains this laconic sentence: "Our knowledge of the Kremlin was thin, and the CIA, I found, was usually wrong about it." Nunn has a long-standing interest in a matter of increasing urgency: Russia's surplus nuclear weapons.

Sens. Bob Graham, the Florida Democrat, and Richard Lugar, the Indiana Republican, with considerable experience on the Intelligence and Foreign Relations Committees respectively, can represent the legislative branch. Former senator Jack Danforth, the Missouri Republican, having conducted the investigation of the 1993 Waco disaster, understands investigating government misadventures. Former representative Lee Hamilton, the Indiana Democrat, served on the International Relations Committee for 34 years. Prof. Donald Kagan of Yale, author of "On the Origins of War," would bring a historian's understanding to the challenge of making retrospective judgments about events viewed through the lens of present knowledge. The eight and final member of the commission could be former senator Pat Moynihan. He was vice chairman of the Intelligence Committee—and in 1984 he resigned from it until CIA Director William Casey apologized for not informing the committee of CIA involvement in mining Nicaraguan harbors.

In his book "Secrecy: The American Experience," Moynihan says it is an iron law of institutions that the ration of unnecessary to necessary secrecy increases—including secrecy maintained by one part of the government against other parts. President Truman could have used the proof contained in intercepted messages between the Soviet Union and its agents in America, of espionage by Alger Hiss and the Rosenbergs—but the chairman of the Joint Chiefs of Staff kept it from him.

Secrecy renders societies susceptible to epidemics of suspicion. A blue-ribbon commission would be immunization against such an epidemic and preventive medicine against future failures. The administration and the nation need to go through it.

[From the Washington Post]

(By John McCain)

#### PROBE DEEP, AND FAIRLY

President Bush is a patriot. He responded forcefully to the terrorist attacks of Sept. 11. And had he known that enemies of the United States were planning to seize four passenger aircraft and crash them into American buildings, I'm sure he would have done everything in his power to stop them. We can also safely assume that Vice President Cheney is a patriot, and a watchful guardian of our national security. That said, the government of the United States, which they now have the privilege of leading, failed the American people in the weeks, months and years leading up to Sept. 11.

The Sept. 11 attacks were incredibly depraved but not, as it turns out, unimaginable. As early as 1995, an accomplice of Ramiz Yousef revealed that the mastermind behind the 1993 World Trade Center attack intended to plant bombs on 12 U.S.-bound airliners and crash a light plane packed with explosives into CIA headquarters. The ac-

complice had trained as a pilot at three separate U.S. flight schools. In 1999 the Library of Congress prepared a report for the National Intelligence Council warning that al Qaeda suicide bombers "could crash-land an aircraft packed with high explosives" into the Pentagon, CIA or the White House.

Last July Kenneth Williams, an FBI field agent in Phoenix, suspected that terrorists had enrolled in an Arizona pilot training school. He urged the bureau to begin investigating whether other U.S. flight schools might be training terrorists to fly. A month later, FBI agents in Minnesota arrested flight school student Zacarias Moussaoui, whose lack of interest in learning how to land an aircraft had aroused the suspicions of his instructors, who dutifully alerted the FBI. It is uncertain how far up the chain of command suspicious about Moussaoui's intentions traveled. A week before Sept. 11, the FBI did notify the FAA of Moussaoui's arrest, his terrorist connections, and his interest in flying large commercial aircraft. The FAA chose not to share this rather pertinent information with the airlines.

Throughout last summer, CIA analysts were increasingly anxious that Osama bin Laden's operatives were planning imminent terrorist attacks against the United States and possibly planning to hijack planes in this country. The agency shared its concern with the president in August. Apparently no one from either the CIA or the FBI shared with the president information that terrorists might intend to use hijacked planes to destroy civilian and government targets.

Nor did the FBI and CIA make much of a habit of sharing information with each other. Had they done so, one presumes the President's Daily Briefing on Aug. 6 would have included a suspicion that the hijackers might have something much more atrocious than ransom demands on their agenda.

As administration officials have observed, the president is not expected to work as an intelligence case officer. It is not his job to drag from different agencies various bits of information, murky clues and suspicions that, considered together, begin to reveal the dimensions of a clear and present danger. But it is the responsibility of officials who serve at his pleasure.

Asking for, urging and demanding answers for why various agencies of the federal government failed to understand the enormity of the danger facing the United States is an obligation shared by all elected federal officials. As is the responsibility for understanding why and how the previous administration failed to combat the growing menace of international terrorism more effectively. As is responsibility for questioning Congress's inability or unwillingness to exercise more diligently its oversight responsibilities for these agencies. As is the expectation that officials who did not competently discharge their responsibilities be held accountable.

It's hardly a surprise in a lively democracy that partisan and institutional loyalties will influence both sides of an honest debate on the most critical challenge confronting the federal government. The administration's critics and its defenders suspect each other of motives less civic-minded than an honest search for answers, impairing our own and the public's ability to arrive at fair conclusions about what went wrong and how to repair it.

This is all the more reason to consider empaneling an independent commission of trustworthy, experienced statesmen who, if not entirely devoid of partisan loyalties, are sufficiently removed by time and wisdom from the appeal of such loyalties to know when they conflict with the national interest.

Give them complete access to all intelligence reports and internal documents with arguable relevance to their inquiry, and charge them with rendering a judgment about who failed and why in this administration and its predecessors, as well as in Congress, and with recommending appropriate remedies to guard against a recurrence.

An independent inquiry will not impose a serious burden on the administration as it prosecutes our just war against terrorism, any more than a similar inquiry after Pearl Harbor impeded Franklin D. Roosevelt's prosecution of World War II. Nor should it prevent members of Congress, the press or any American citizen from questioning or criticizing the government's apparent failures before and after President Bush's inauguration. All wars and national security failures have occasioned contemporaneous criticism, and the Republic has managed to thrive.

It is irresponsible in a time of war, or any time for that matter, to attack or defend unthinkingly or because partisan identification is one's supreme interest. But it is not responsible or right to shrink from offering thoughtful criticism when and to whom it is due, and when the consequences of incompletely understanding failures of governance are potentially catastrophic. On the contrary, such timidity is indefensibly irresponsible especially in times of war, so irresponsible that it verges on the unpatriotic.

[From Newsweek, May 27, 2002]

WHAT WENT WRONG

(By Michael Hirsh and Michael Isikoff)

Forget James Bond. Intelligence gathering is more like taking a metal detector to the city dump. So much comes in, rumor, hearsay, disinformation, so little of it more than trash: once in a blue moon an agent-prospecter may get lucky. But even then an agent's warning is likely to be dismissed as what Condoleezza Rice last week called "chatter." "There's always TMI—too much information," says former CIA agent Milt Bearden. Often agents poke fun at the sometimes obsessive quirks of their colleagues. "If a confidential memorandum comes from a guy out in, say, Phoenix, the first thing that goes up the line is, 'That's Harry again. He's like a broken clock twice a day,'" one ex-agent says. Even today, long after 9-11, streams of new threats pass unnoticed through Washington. In recent weeks, for instance, the FBI has gotten specific threats about a car- or truck-bomb attack on an "all-glass" building near the U.S. Capitol, and another threat against a Celebrity cruise ship off Florida. Neither was corroborated, or publicized.

Yet every now and then, amid the piles of dross, a nugget of pure gold turns up in intel files. The key for American national security—now and into the future—is to know it when we see it. Back in July 2001, Bill Kurtz and his team hit pay dirt, and no one seemed to care. A hard-driven supervisor in the FBI's Phoenix office, Kurtz was overseeing an investigation of suspected Islamic terrorists last July when a member of his team, a sharp, 41-year-old counterterrorism agent named Kenneth Williams, noticed something odd: a large number of suspects were signing up to take courses in how to fly airplanes. The agent's suspicions were further fueled when he heard that some of the men at the local Embry-Riddle Aeronautical University were asking a lot of questions about airport security.

Kurtz, who had previously worked on the Osama bin Laden unit of the FBI's international terrorism section, was convinced he and his colleagues might have stumbled on to something bigger. Kurtz's team fired off a lengthy memo raising the possibility that

bin Laden might be using U.S. flight schools to infiltrate the country's civil-aviation system. "He thinks of everything in terms of bin Laden," one colleague recalled. The memo outlined a proposal for the FBI to monitor "civil aviation colleges/universities around the country."

Williams, the agent who sniffed out the link, was described by one former colleague as a "superstar," a former SWAT sniper and family man who coaches Little League and, in 1995, helped track down Michael Fortier, Timothy McVeigh's former Army buddy. "Anything he says you can take to the bank," says former agent Ron Myers.

But little of that seemed to make a difference back in Washington, where the Kurtz team suffered a fate even worse than Cassandra's: not only were they not believed, they were ignored altogether. The FBI was concerned about racial profiling. Moreover, it wasn't used to gather intelligence, especially domestically, given American sensitivities about intrusive government and civil liberties. Its intelligence-assessment system was almost laughably antiquated. And under Attorney General John Ashcroft, the department was being prodded back into its old law-and-order mind-set: violent crime, drugs, child porn. Counterterrorism, which had become a priority of the Clintonites (not that they did a better job of nailing bin Laden), seemed to be getting less attention. When FBI officials sought to add hundreds more counterintelligence agents, they got shot down even as Ashcroft began, quietly, to take a privately chartered jet for his own security reasons.

The attorney general was hardly alone in seeming to de-emphasize terror in the young Bush administration. Over at the Pentagon, new Defense Secretary Donald Rumsfeld elected not to relaunch a Predator drone that had been tracking bin Laden, among other actions. In self-absorbed Washington, the Phoenix memo, which never resulted in arrests, landed in two units at FBI headquarters but didn't make it to senior levels. Nor did the memo get transmitted to the CIA, which has long had a difficult relationship with the FBI—and whose director, George Tenet, one of the few Clinton holdovers, was issuing so many warnings that bin Laden was "the most immediate" threat to Americans he was hardly heeded any longer.

Last week the tale of the missed signal from Phoenix became, for thousands of families of 9-11 victims, yet another tendrill of pain stemming from that day. Indeed, it was part of a whole summer of missed clues that, taken together, seemed to presage the terrible September of 2001. The same week in early July that Kurtz and his team were dispatching their memo, the White House acknowledged for the first time, Bush was privately beginning to worry about the stream of terror warnings he was hearing that summer, most of them aimed at U.S. targets abroad. On July 5, five days before the Phoenix memo, Bush directed Rice to figure out what was going on domestically. A month later, America learned for the first time last week—nine months after the attacks—Bush received a "presidential daily brief" in Crawford, Texas, that mentioned the possibility of an airline hijacking as a domestic threat. The Aug. 6 briefing was only "an analytic report that talked about [bin Laden's] methods of operation, talked about what he had done historically," Rice said in a hastily called conference to contain the damage from the news.

Because Bush has long insisted he had no inkling of the attacks, the disclosures touched off a media stampede in a capital long deprived of scandal. The fact that the nation's popular war president might have been warned a little over a month before

September 11—and that the supposedly straight-talking Bushies hadn't told anyone about it—opened up a serious credibility gap for the first time in the war on terror.

There were, in fact, failures at every level that summer: from the shortcomings in the law-enforcement trenches—the FBI's poor record at domestic surveillance, the CIA's poor record at infiltrating Islamic groups and the lack of cooperation between the two agencies—to the fixed strategic mind-set of the Bush administration. Between the claims by the FBI and CIA that they didn't get enough information and the White House's insistence that it didn't receive any reports—"He doesn't recall seeing anything," Rice said when asked if Bush had read the Phoenix memo—the buck seems to be stopping nowhere. "If I were an average citizen, I'd be pissed at the whole American government," says a senior official who has worked on counterterrorism.

The question is not so much what the president knew and when he knew it. The question is whether the administration was really paying much attention. Terrorism is by nature stealthy and hard to crack, even in the face of the most zealous efforts to thwart it. What Americans should be asking is why the Bush administration in its first eight months, like the Clinton admiration for much of its eight years, did not demand the intelligence cooperation that was needed. At issue is not whom to blame for the past, but how to learn from it to safeguard our future.

The fact is, in a nation that prides itself on its mastery of the Information Age, almost no one in the U.S. government seemed to know what anyone else was doing. Even as what Rice called "major threat spikes" began to appear on Washington's . . .

In any case, few Americans seem to be in the mood any longer for more-of-the-same from Washington. September 11 has often been compared to Pearl Harbor as a fault line between a complacent and war-ready America. And, like Pearl Harbor, questions about whether it could have been prevented will forever haunt us. To give the Bush administration some credit, no government in modern history has ever predicted a major surprise attack. Britain and France missed the Blitzkrieg in 1940. The Germans missed D-Day in June 1944. And everyone missed Iraq's invasion of Kuwait in August 1990.

Even so, it's too simple to say that post-mortems now are somehow unfair or unpatriotic in "wartime America." The latest revelations could open up a Pandora's box of questions about the administration's pre-9-11 performance on terror—questions with complicated and interesting roots.

By the end of the Clinton administration, the then national-security adviser Sandy Berger had become "totally preoccupied" with fears of a domestic terror attack, a colleague recalls. True, the Clintonites had failed to act decisively against Al Qaeda, but by the end they were certain of the danger it posed. When, in January 2001, Berger gave Rice her handover briefing, he covered the bin Laden threat in detail, and, sources say, warned her: "You will be spending more time on this issue than on any other." Rice was alarmed by what she heard, and asked for a strategy review. But the effort was marginalized and scarcely mentioned in ensuing months as the administration committed itself to other priorities, like national missile defense (NMD) and Iraq.

John Ashcroft seemed particularly eager to set a new agenda. In the spring of 2001, the attorney general had an extraordinary confrontation with the then FBI Director Louis Freeh at an annual meeting of special agents in charge in Quantico, Va. The two talked before appearing, and Ashcroft laid out his priorities for Freeh, another Clinton holdover (though no friend of the ex-president's),

"basically violent crime and drugs," recalls one participant. Freeh replied bluntly that those were not his priorities, and began to talk about terror and counterterrorism. "Ashcroft didn't want to hear about it," says a former senior law-enforcement official. (A Justice Department spokeswoman hotly disputed this, saying that in May Ashcroft told a Senate committee terrorism was his "highest priority.")

That was unfortunate, because Freeh, despite his late-tenure interest in global terrorism, had left behind an FBI that badly needed fixing, especially its antiquated evidence-gathering methods. So fouled up is the FBI's communications system that it is almost impossible for agents to send classified e-mails to another agency like the CIA; the effect is that little is shared.

It wasn't that Ashcroft and others were unconcerned about these problems, or about terrorism. But the Bushies had an ideological agenda of their own. At the Treasury Department, Secretary Paul O'Neill's team wanted to roll back almost all forms of government intervention, including laws against money laundering and tax havens of the kind used by terror groups. At the Pentagon, Donald Rumsfeld wanted to revamp the military and push his pet project, NMD. Rumsfeld vetoed a request to divert \$800 million from missile defense into counterterrorism. The Pentagon chief also seemed uninterested in a tactic for observing bin Laden left over from the Clinton administration: the CIA's Predator surveillance plane. Upon leaving office, the Clintonites left open the possibility of sending the Predator back up armed with Hellfire missiles, which were tested in February 2001. But through the spring and summer of 2001, when valuable intelligence could have been gathered, the Bush administration never launched even an unarmed Predator. Hill sources say DOD didn't want the CIA treading on its turf.

And while most of the current controversy is about what America didn't do defensively, Rumsfeld and Bush didn't take the offensive, either. Upon entering office, both suggested publicly that the Clinton administration left America with a weak image abroad. The day after the Oct. 12, \* \* \*

### SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. NORWOOD) is recognized for 5 minutes.

(Mr. NORWOOD addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

(Ms. KAPTUR addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from South Carolina (Mr. WILSON) is recognized for 5 minutes.

(Mr. WILSON of South Carolina addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. GEKAS) is recognized for 5 minutes.

(Mr. GEKAS addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from the District of Columbia (Ms. NORTON) is recognized for 5 minutes.

(Ms. NORTON addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

### REVISIONS TO ALLOCATION FOR HOUSE COMMITTEE ON APPROPRIATIONS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Iowa (Mr. NUSSLE) is recognized for 5 minutes.

Mr. NUSSLE. Mr. Speaker, I submit for printing in the CONGRESSIONAL RECORD revisions to the 302(a) allocations and budgetary aggregates established by H. Con. Res. 83, the concurrent resolution on the budget for fiscal year 2002. My authority to make these adjustments is derived from Sec. 314 of the Congressional Budget Act and Sec. 221(c) of H. Con. Res. 83.

As reported to the House, H.R. 4775, a bill making supplemental appropriations for fiscal

year 2002, includes emergency-designated appropriations. The total amount of emergency-designated appropriations included in the reported bill is \$29,432,000,000. Outlays flowing from those appropriations total \$8,466,000,000 in fiscal year 2002. Under the provisions of both the Budget Act and the budget resolution, I must adjust the 302(a) allocations and budgetary aggregates upon the reporting of a bill containing emergency appropriations.

Accordingly, I hereby increase the 302(a) allocation for fiscal year 2002 to the House Committee on Appropriations to \$735,432,000,000 in new budget authority and \$736,420,000,000 in outlays. I also increase the budgetary aggregates for fiscal year 2002 to \$1,708,604,000,000 in new budget authority and \$1,653,073,000,000 in outlays.

Section 2 of House Resolution 428 provided that House Concurrent Resolution 353, as adopted by the House, shall have force and effect in the House as though Congress has adopted a concurrent resolution on the budget. That section also directed me to submit for printing in the Congressional Record: (1) allocations contemplated by section 302(a) of the Congressional Budget Act of 1974 under a concurrent resolution on the budget; (2) accounts identified for advance appropriations, referred to in section 301(b) of House Concurrent Resolution 353; and (3) an estimated unified surplus, referred to in section 211 of such concurrent resolution.

The attached tables, which I submit for printing in the CONGRESSIONAL RECORD as directed, provide the required information.

#### *Allocations of Spending Authority to House Committees: Appropriations Committee, 2003*

[In millions of dollars]

General Purpose: <sup>1</sup>		
BA .....	746,174	
OT .....	738,992	
Highways: <sup>1</sup>		
BA .....		
OT .....	27,581	
Mass Transit: <sup>1</sup>		
BA .....		
OT .....	6,030	
Conservation: <sup>1</sup>		
BA .....	1,922	
OT .....	1,872	
Total Discretionary Action:		
BA .....	748,096	
OT .....	774,475	
Current Law Mandatory:		
BA .....	350,116	
OT .....	353,319	

<sup>1</sup> Shown for display purposes only.

#### ALLOCATIONS OF SPENDING AUTHORITY TO HOUSE COMMITTEES: COMMITTEES OTHER THAN APPROPRIATIONS

[By fiscal year in millions of dollars]

	2003	2004	2005	2006	2007	Total	
						2003-2007	2003-2012
<b>Agriculture Committee:</b>							
Current Law Base:							
BA .....	36,573	35,545	34,841	34,241	34,889	176,089	n.a.
OT .....	33,247	33,726	32,788	32,283	32,885	164,929	n.a.
Discretionary Action:							
BA .....	7,825	7,604	7,198	7,249	7,141	37,017	n.a.
OT .....	7,271	7,019	6,688	6,727	6,774	34,479	n.a.
Total:							
BA .....	44,398	43,149	42,039	41,490	42,030	213,106	n.a.
OT .....	40,518	40,745	39,476	39,010	39,659	199,408	n.a.
<b>Armed Services Committee:</b>							
Current Law Base:							
BA .....	76,090	78,358	80,609	83,134	85,779	403,970	n.a.
OT .....	75,258	77,722	80,228	82,780	85,466	401,454	n.a.
Discretionary Action:							
BA .....	516	652	1,025	1,605	2,006	5,804	n.a.
OT .....	516	652	1,025	1,605	2,006	5,804	n.a.

## ALLOCATIONS OF SPENDING AUTHORITY TO HOUSE COMMITTEES: COMMITTEES OTHER THAN APPROPRIATIONS—Continued

[By fiscal year in millions of dollars]

	2003	2004	2005	2006	2007	Total	
						2003–2007	2003–2012
Total:							
BA .....	76,606	79,010	81,634	84,739	87,785	409,774	n.a.
OT .....	75,774	78,374	81,253	84,385	87,472	407,258	n.a.
Committee on Education and the Workforce—Current Law Base:							
BA .....	4,633	4,325	4,709	4,885	5,066	23,618	n.a.
OT .....	3,264	3,172	3,475	3,604	3,744	17,259	n.a.
Energy and Commerce Committee:							
Current Law Base:							
BA .....	10,248	10,017	11,164	11,498	12,503	55,430	n.a.
OT .....	11,401	11,496	11,562	11,871	11,881	58,211	n.a.
Discretionary Action:							
BA .....	95	285	606	801	922	2,709	n.a.
OT .....	59	272	598	798	922	2,649	n.a.
Total:							
BA .....	10,343	10,302	11,770	12,299	13,425	58,139	n.a.
OT .....	11,460	11,768	12,160	12,669	12,803	60,860	n.a.
Financial Services Committee—Current Law Base:							
BA .....	7,985	8,428	8,249	8,053	8,574	41,289	n.a.
OT .....	2,696	1,578	541	–165	–344	4,306	n.a.
Government Reform Committee—Current Law Base:							
BA .....	66,536	69,943	73,568	76,706	79,236	365,989	n.a.
OT .....	66,527	68,971	72,573	75,714	78,253	361,038	n.a.
Committee on House Administration—Current Law Base:							
BA .....	82	85	85	82	81	415	n.a.
OT .....	37	161	18	14	14	244	n.a.
International Relations Committee—Current Law Base:							
BA .....	10,069	10,390	10,705	10,952	11,287	53,403	n.a.
OT .....	10,075	10,127	10,364	10,591	10,864	52,021	n.a.
Judiciary Committee—Current Law Base:							
BA .....	6,404	5,133	5,116	5,092	5,112	26,857	n.a.
OT .....	5,763	5,613	5,281	5,148	5,180	26,985	n.a.
Resources Committee:							
Current Law Base:							
BA .....	2,537	2,430	2,371	2,394	2,392	12,124	n.a.
OT .....	2,471	2,313	2,052	2,297	2,154	11,287	n.a.
Discretionary Action:							
BA .....	0	113	498	89	0	700	n.a.
OT .....	0	113	498	89	0	700	n.a.
Total:							
BA .....	2,537	2,543	2,869	2,483	2,392	12,824	n.a.
OT .....	2,471	2,426	2,550	2,386	2,154	11,987	n.a.
Science Committee—Current Law Base:							
BA .....	143	20	17	17	18	215	n.a.
OT .....	147	102	56	29	24	358	n.a.
Small Business Committee—Current Law Base:							
BA .....	3	2	1	1	1	8	n.a.
OT .....	–238	–88	–32	–30	–28	–416	n.a.
Transportation and Infrastructure Committee:							
Current Law Base:							
BA .....	54,029	51,640	50,234	50,657	50,932	257,492	n.a.
OT .....	14,910	12,014	10,429	10,651	10,774	58,778	n.a.
Discretionary Action:							
BA .....	0	4,369	4,369	4,369	4,369	17,476	n.a.
OT .....	0	0	0	0	0	0	n.a.
Total:							
BA .....	54,029	56,009	54,603	55,026	55,301	274,968	n.a.
OT .....	14,910	12,014	10,429	10,651	10,774	58,778	n.a.
Veterans' Affairs Committee—Current Law Base:							
BA .....	1,629	2,055	2,543	3,082	3,633	12,942	n.a.
OT .....	1,570	1,999	2,590	3,065	3,431	12,655	n.a.
Ways and Means Committee:							
Current Law Base:							
BA .....	643,804	661,849	684,591	701,838	727,703	3,419,785	n.a.
OT .....	645,017	661,964	684,461	701,118	727,005	3,419,565	n.a.
Discretionary Action:							
BA .....	2,203	858	1,280	1,639	1,875	7,855	n.a.
OT .....	174	853	1,231	1,660	1,943	5,861	n.a.
Total:							
BA .....	646,007	662,707	685,871	703,477	729,578	3,427,640	n.a.
OT .....	645,191	662,817	685,692	702,778	728,948	3,425,426	n.a.
Current Law Base, Medicare:							
BA .....	174,977	180,768	193,068	197,062	211,086	2,224,058	n.a.
OT .....	174,843	181,045	192,994	196,851	211,379	2,223,844	n.a.
Discretionary Action:							
BA .....	0	n.a.	n.a.	n.a.	n.a.	n.a.	0
OT .....	0	n.a.	n.a.	n.a.	n.a.	n.a.	0
Total:							
BA .....	174,977	180,768	193,068	197,062	211,086	n.a.	2,224,058
OT .....	174,843	181,045	192,994	196,851	211,379	n.a.	2,223,844
MEMORANDUM: Estimated Unified Surplus Under Section 211 .....	51,414	n.a.	n.a.	n.a.	n.a.	764,402	n.a.

n.a.=not applicable.

STATEMENT OF FY2004 ADVANCE APPROPRIATIONS UNDER SECTION 301 OF H. CON. RES. 353

Interior Subcommittee: Elk Hills (89 5428 02 271).

Labor, Health and Human Services, Education Subcommittee: Employment and Training Administration (16 0900 01 501); Education for the Disadvantaged (91 0900 01 501); School Improvement (91 1000 01 501); Children and Family Services [head start] (75 1536 01 506); Special Education (91 0300 01 501); and Vocational and Adult Education (91 0400 01 501).

Transportation Subcommittee: Transportation (highways; transit; Farley Bldg.).

Treasury, General Government Subcommittee: Payment to Postal Service (18 1001 01 372).

Veterans, Housing and Urban Development Subcommittee: Section 8 Renewals (86 0319 01 604).

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. SCHIFF) is recognized for 5 minutes.

(Mr. SCHIFF addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

## 82ND AIRBORNE BIRTHDAY AND MEMORIAL DAY

The SPEAKER pro tempore (Mr. ISSA). Under a previous order of the House, the gentleman from North Carolina (Mr. HAYES) is recognized for 5 minutes.



Mr. HAYES. Mr. Speaker, this week, an incredibly brave fighting force will mark its 86th birthday. This fighting unit is the 82nd Airborne Division, which is based at Fort Bragg, North Carolina. As the U.S. Congressman for the Eighth District of North Carolina, I am honored to represent these troops and the many others that serve in the Eighth District in North Carolina.

In 1917, the 82nd was designated as an infantry division, but became airborne in World War II. As the United States first airborne unit, they have been serving with this distinction ever since.

One of the most impressive aspects of the 82nd is their rapid response ability. They can be packed and en route and ready for battle within 18 hours of being called up to duty. I have met with members of the 82nd and seen them in action during their training exercises. If you have any doubt, let me assure you, you want these guys on your side.

We live in an uncertain world, a world made even more uncertain by the tragic events of September 11. But in this world of uncertainty, there are a couple of things we can count on. One is when the Commander in Chief calls, the men and women of the 82nd Airborne Division are ready to answer that call.

Throughout the storied history of the 82nd Airborne Division, brave young patriots have stood in the breach and sacrificed anything necessary to defend freedom throughout the world. They were among the first units put on the alert after the terrorist attacks of September 11. 3,000 Members of the 82nd have recently been activated to head to Afghanistan. A commander of the 82nd Airborne, General Dan McNeill, will head the new joint task force and will consolidate operations in Afghanistan under one umbrella. I have full faith that those members of the 82nd that will accompany him will serve honorably and effectively.

North Carolina, particularly the Eighth District, has long played a key role in our Nation's military forces. Fort Bragg is one of the premier military installations in the world. Some of our finest military personnel are stationed there. As a matter of fact, when President Bush wanted to say thank you to our troops, Fort Bragg is where he went to say thanks.

Pope Air Force Base, which I visited a few weeks ago, is another important installation. The odds are pretty good that if the U.S. is involved in a military action, then troops from Fort Bragg and Pope are probably going to be there on the front lines.

In addition to celebrating the 82nd birthday, this week is All American Week in Fayetteville, and Memorial Day is just around the corner. These occasions give us reason to celebrate the tremendous job that all our armed forces are doing in waging the war on terrorism.

I would like to take a moment to commend some other units from North

Carolina that have played an important role in Operation Enduring Freedom. National Guardsmen from across the Eighth District have helped to secure our airports and participated in other homeland defense activities here in North Carolina.

The 145th Air Wing of the North Carolina National Guard, based out of Charlotte, has been flying over the skies of Afghanistan. The 211th Military Police Unit has been helping to guard prisoners in Afghanistan awaiting transfer to Guantanamo. The 263rd Combat Communications Squadron has recently returned to Stanley County after serving in Qatar.

While we are on the subject of the Eighth District military personnel who are serving with distinction, I should also note that Andrea Quillen was recently named as Airman of the Year. While Airman Quillen is currently serving in South Carolina, she is a native of Fayetteville, and another reason we recognize our North Carolina military pride.

Since 1868, when Memorial Day was first established, more than half a million soldiers have died in the course of serving in major wars to defend our freedom. This Memorial Day, May 27, at 3 p.m., the President is encouraging all Americans to take a moment to remember the men and women of our armed forces who have made the ultimate sacrifice for the liberty that we cherish.

I encourage you all to remember these troops and their families in your daily prayers. I think we can all agree that this is more important than ever before as Memorial Day 2002 approaches. Next time you see a soldier, sailor, airman, or Marine, tell him or her thank you for their service. If the individual is a member of the 82nd, you might want to add "G.I. gravy, G.I. corn, sure am glad that I'm airborne."

□ 2215

#### WORLD BANK PLANS MORE LOANS TO IRAN

The SPEAKER pro tempore (Mr. ISSA). Under a previous order of the House, the gentleman from California (Mr. SHERMAN) is recognized for 5 minutes.

Mr. SHERMAN. Mr. Speaker, yesterday evening I came to the floor to bring up a subject that has gotten far less attention than it deserves. And that is the plan of the World Bank, an organization funded substantially with your tax dollars in mind, to lend up to \$755 million to the Islamic Republic of Iran.

Last night I put into the RECORD of this House an article that was published by the Dow Jones International News that reviewed the facts, and I would like to review that article with you tonight along with some additional commentary.

The article begins: "The World Bank undeterred by President George W.

Bush's condemnation of Iran as part of the axis of evil, undeterred by the fact that it is arming itself to threaten a peaceful world, the World Bank is pressing ahead with a plan that would provide as much as \$755 million in loans to that government over the next 2 years."

Mr. Speaker, there are a few apologists for the government in Iran who note that there are reformers who play front roles, a president of Iran who exercises no power, it is almost an honorary position, who claims to have different views than those actually carried out by the government. But the reports of the American State Department say that reformers have been silenced, that there are public executions, public floggings which increased last year. And just on Monday the State Department announced that Iran is the number one governmental sponsor of terrorism.

Now, in January President Bush identified Iran as a key threat to American security. But as he was doing that, a team of bank directors from the World Bank returned from a visit to Tehran, and they made a clear recommendation to the bank, "deeper and faster involvement in Iran." That is the quotation attributed to Jean-Louis Sarbib, the bank's vice president for Middle Eastern and North African affairs.

Now, the bank staff is reported by the Dow Jones International News to be planning first a loan of \$150 million by the end of this year, and then as an element of a tentative plan, endorsed already by the bank's board of directors, the bank would proceed with up to \$755 million to Iran in fiscal years 2002 and 2003.

Now, keep in mind the United States contributes 29 percent of the World Bank's capital. We are given only 16 percent of the World's votes. But do not believe that our 16 percent of votes will be sufficient to block this loan, because 2 years ago the World Bank over America's strenuous objections loaned \$232 million to Iran. And let us not believe that this is just for humanitarian purposes. Because as the article continues, and I am quoted in the article as saying, and I think I said it right, "The government of Iran will engage in the minimum domestic expenditures necessary to cling to power. Whatever is left over they are going to spend on terrorism and nuclear weapons." When the World Bank finances those minimum amounts of expenditure that the Iranian Government needs to hold on to power, it is freeing up oil revenues for terrorism and for a nuclear weapons program. It will certainly not be sufficient for us to do business as usual and to simply vote against these loans.

That is why, Mr. Speaker, I hope that others will join me in crafting legislation that I am working on now and will present to this House just as soon as we return from Memorial Day. And under that legislation we would draw a line in the sand and tell the World Bank

that if they approve any additional loans to Iran that no additional American money would be given to that bank.

We are planning to give them \$877 million. We should not give them a penny after any day when they approve a loan to Iran.

#### TRANSFER OF CHINESE MISSILE TECHNOLOGY TO PAKISTAN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. PALLONE) is recognized for 5 minutes.

Mr. PALLONE. Mr. Speaker, I would like to take the opportunity on the House floor this evening to express my concerns regarding the continued transfer of missile technology from China to Pakistan. The Bush administration has reported that the transfer of this highly sensitive information persists even today.

Mr. Speaker, in May 1996, China pledged to not provide technological assistance to nuclear facilities in countries such as Pakistan, where such facilities are not safeguarded. However, Chinese authorities did not effectively ban technology transfers which continued to take place after May of 1996.

In November 2000, China entered into an agreement with the Clinton administration that prohibited China from transferring missiles or missile technology to specifically Pakistan. Apparently, missile technology transfers continued even after this specific prohibition.

Mr. Speaker, what concerns me is that John Bolton, Undersecretary of State for Arms Control and Security has said that the Bush administration's policy on the illegal export of missile technology from China to Pakistan has not changed since the Clinton administration, which on November 21, 2000 imposed sanctions on Pakistan for engaging in missile technology proliferation activities with China. But from my understanding, the Bush administration has already waived substantially all of the missile technology control regime sanctions previously imposed against Pakistan citing the authority of S. 1465, which provided the President with increased flexibility in the exercise of his waiver authority with respect to Pakistan.

I am extremely disappointed that the Bush administration would publicize that its policy has not changed since the Clinton administration, even though the opposite is true and that the Clinton prohibition was recently waived under President Bush's authority.

In addition, I cannot emphasize strongly enough how important it is that missile technology transfers from China to Pakistan be terminated. The current political situation in Pakistan is extremely unstable given their military dictator Musharraf's standing as president and the escalating conflict in Kashmir. Further, there are reports

that Osama bin Laden, members of al Qaeda and the Taliban may have shifted into Pakistan. Bin Laden has been known to confer with nuclear scientists in the past. And it is imperative that no further missile or nuclear technology information be filtered into Pakistan for fear of the information getting into deadly hands.

Mr. Speaker, the administration has the authority to reauthorize the prohibition of November 2000 that mandates China not transfer missiles or missile technology to Pakistan. I sent a letter to President Bush today, which I would like to include in the RECORD, Mr. Speaker, requesting that the prohibition be put back in place. The letter is as follows:

CONGRESS OF THE UNITED STATES,  
HOUSE OF REPRESENTATIVES,  
Washington, DC, May 22, 2002.

Hon. GEORGE W. BUSH,  
President of the United States,  
Washington, DC.

DEAR MR. PRESIDENT: I would like to take this opportunity to express to you my concerns regarding the continued transfer of missile technology from China to Pakistan as reported by your administration.

In May 1996, China pledged to not provide technological assistance to nuclear facilities in countries such as Pakistan, where such facilities are not safeguarded. However, Chinese authorities did not effectively ban technology information transfers, which continued to take place after May 1996.

In November 2000, China entered into an agreement with the Clinton Administration that prohibited China from transferring missiles or missile technology to specifically Pakistan. Apparently, missile technology transfers continued even after this specific prohibition.

What concerns me is that John R. Bolton, Undersecretary of State for Arms Control and Security, has stated that your administration's policy of the illegal export of missile technology from China to Pakistan has not changed since the Clinton administration, which on November 21, 2000, imposed sanctions on Pakistan for engaging in missile proliferation activities with China. From my understanding, however, your administration has already waived substantially all of the MTCR sanctions previously imposed against Pakistan, citing the authority of S. 1465, which provided the President with increased flexibility in the exercise of his MTCR waiver authority with respect to Pakistan.

I am disappointed that your administration would publicize that its policy has not changed since the Clinton administration even though the opposite is true and that the Clinton prohibition was waived under your authority. In addition, I cannot emphasize strongly enough how important it is that missile technology transfers from China to Pakistan be terminated. The current political situation in Pakistan is extremely unstable given their military dictator Pervez Musharraf standing as President and the escalating conflict in Kashmir. Further, there are reports that Osama bin Laden, members of Al-Qaeda and the Taliban may have shifted into Pakistan. Bin Laden has been known to have conferred with nuclear scientists in the past and it is imperative that no further missile or nuclear technology information be filtered into Pakistan for fear of the information getting into deadly hands.

Your administration has the authority to reauthorize the prohibition of November 2000 that mandates China not to transfer missile

or missile technology to Pakistan. This is a matter of not only security in the South Asia region, but is a national security concern as well. Reinstating this prohibition is the only means to ensuring that the transfer of information will be terminated and that China will in fact put in place punitive measures towards companies that continue to attempt to provide information illegally to China. Therefore, I respectfully request that you use your authority to reauthorize the prohibition on missile technology transfers from China to Pakistan.

Thank you for your consideration.

Sincerely,

FRANK PALLONE, Jr.

Mr. Speaker, this is a matter of not only security in the South Asia region but is a national security concern as well.

Reinstating this prohibition is the only means to ensure that the transfer of information will be terminated and that China will, in fact, put in place punitive measures towards companies that continue to attempt to provide information illegally to Pakistan.

#### SUPPLEMENTAL APPROPRIATIONS 2002 IS NOT FISCALLY RESPONSIBLE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. BLUMENAUER) is recognized for 5 minutes.

Mr. BLUMENAUER. Mr. Speaker, even though the hour is late, I appreciate your courtesy.

Mr. Speaker, we have heard on the floor this evening why the supplemental appropriations bill before us is not fiscally responsible. We have heard how we are not having an honest vote or even vigorous debate on key issues like raising the debt ceiling and what we are going to do with Social Security.

People who have listened to the debate so far this evening have heard how this bill is setting the stage to surreptitiously increase the debt limit. Remember a year ago, the administration predicted we would not need a debt limit increase until the year 2008. Now after \$4 trillion has disappeared from the expected surpluses, now we are going to continue to increase the Nation's debt instead of honestly assessing proposals dealing with the ongoing tax cuts and domestic spending program.

We have heard how all the funds that are available for the debt limit increase must come directly from Social Security and Medicare trust funds. And we have heard that the interest payments on this mounting debt are estimated to increase over \$1 trillion over the next decade above what was projected just a year ago.

But, Mr. Speaker, I am most concerned and it is something that is going to be buried in terms of legislative consideration, about the signal that the Congress is sending by its efforts to legislate in the supplemental appropriations found in areas dealing with the environmental policies of this

country. There will be a proposal that we will have buried in this provision that would exempt the Department of Defense from environmental regulations having to do with water consumption off the immediate adjacency of the properties under control of the Secretary of the Defense, but nonetheless directly affected by it.

I find it sad, because I have long argued on this floor and in communities around the country, that the most effective way to enhance the environment is not passing new rules and regulation, taxes and fees. The most powerful tooling to protect the environment is for the Federal Government to simply lead by example, to model the behavior that we expect from the rest of America.

Here we have a provision that would exempt the largest manager of infrastructure in the world and one, sadly, with a decidedly mixed environmental record, from compliance with its environmental responsibilities. The latest count shows that there are about 150 Department of Defense facilities on the Superfund national priority list and another five proposed for listing. Indeed, I think we can safely assume that the Department of Defense is the largest Superfund polluter in the United States. The last thing we want to do is to grant this important Federal agency with vast environmental impact, sweeping exemption from environmental laws, at least without going through the appropriate legislative process involving the stakeholders having an honest debate with the American public. Yet that is exactly what we are given under this supplemental.

The exemption provision in this bill would not only do irreparable damage to an important eco-system in Arizona, and that is the purpose of this amendment, to deal with the San Pedro River which is slowly being dewatered because of the impacts of the Department of Defense, but this sets a terrible precedent for the effects of the Department of Defense actions on the environment around the country.

Now, I would be the first to admit on occasion there must be accelerated decisions, shortcuts that are necessary for the sake of military necessity. We do not do an environmental impact statement for every bomb we drop, nor should we. However, it is embarrassing that what we are doing today with this provision is to relieve a Department of responsibility for its foreseeable environmental impacts which are under the control of the Department.

The amendment is unwarranted and at the very least premature. Even the Government Accounting Office says the Department of Defense has not done the research and investigation necessary to determine whether such an exemption is justified.

Mr. Speaker, it is yet another example why this House should reject the supplemental appropriation that is coming before us.

□ 2230

#### RAISING THE DEBT CEILING

The SPEAKER pro tempore (Mr. ISSA). Under a previous order of the House, the gentleman from Texas (Mr. TURNER) is recognized for 5 minutes.

Mr. TURNER. Mr. Speaker, tonight the House began the debate on the supplemental appropriations bill, a bill that funds the war on terrorism and makes sure that our troops in the field have the necessary equipment and tools they need to win this war. Every Member of this House supports funding the war on terrorism. That is not what the debate was about tonight nor will it be what the debate is about tomorrow, as we continue to debate this supplemental.

The debate tonight was about a provision of the bill that the Republican leadership put in there that would allow an unlimited increase in the statutory debt ceiling. The statutory debt ceiling is a law that provides the maximum amount that our Federal Government can go into debt. It is one of the few tools that we have to promote fiscal responsibility and require fiscal discipline in this House.

The Democrats tonight stood up to tell the American people that we deserve to have an honest and open debate regarding this very critical issue. If we increase the national debt limit by \$750 billion, as Secretary O'Neill has requested, we will be giving this Congress a blank check for uncontrolled spending for ever-increasing debt and for deficits.

It is wrong for us to ask the young men and women in uniform who are sacrificing tonight to fight this war against terrorism to be the very generation that comes home and pays the bills for this war.

The fundamental question before the House tonight was who is going to pay the bill for this war on terrorism. Are we going to pay it as the generation that is able to do so? Are we going to say to the young men and women in uniform, we will let them fight the war and then when they come home and when they are in their good income-earning years they can pay the debt for the war that they fought?

Democrats believe that is wrong. We believe it is wrong to hide an increase in the debt ceiling in this very important supplemental appropriation bill.

We must not use the Social Security trust fund, the American people's retirement fund, to pay for this war. We must not ask that we borrow money from the public to pay for this war. We believe that it is our responsibility today to pay for this war.

The patriotic thing to do as Americans is to be willing to sacrifice along with the men and women in uniform, and the sacrifice that we must pay is we must be willing to pay the bill.

At your house and mine and your business and mine, we understand what it means to balance the budget. We understand that when changed economic

circumstances lower our income, that we have to make adjustments in our budget. We have to cut our spending, and if we need to borrow money, we establish a plan to pay it back. It should be no different in Washington. In Washington we also should pay the American people's bills.

Every Member of this Congress recognizes that the debt ceiling must be raised. In fact, as we speak tonight, Secretary O'Neill is using unusual emergency measures to keep the Federal Government from defaulting on its obligations, by using the retirement funds of Federal employees to prevent a default in Federal obligations.

Even after using every trick in the bag, the tricks will run out by the end of June and the debt ceiling must be raised, but Democrats believe that when we raise the debt ceiling we need at the same time to establish a plan to put us back into a balanced budget. Democrats have offered before the Committee on Rules amendments that would do that in a bipartisan way and those have been rejected.

In the first 7 months of this fiscal year, the Federal deficit is \$66.5 billion. To give my colleagues a picture of how things have changed in Washington, if we go back just 1 year and look at what the budget looked like in the first 7 months of the last fiscal year, we had a surplus of \$165 billion. After having 4 straight years of surpluses in the Federal budget, we are back into deficit spending, and we need a plan to get us back on the road to fiscal responsibility.

Our failure to balance the budget means that we are going to be using the Social Security trust fund to finance this war. That is wrong, and Democrats want a plan to get us back on the right track.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Ms. BROWN) is recognized for 5 minutes.

(Ms. BROWN of Florida addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Hawaii (Mrs. MINK) is recognized for 5 minutes.

(Mrs. MINK of Hawaii addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

#### CELEBRATING TWO GREAT EVENTS OF HUMAN ACHIEVEMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. INSLEE) is recognized for 5 minutes.

Mr. INSLEE. Mr. Speaker, I come to the House today to celebrate 2 great events of human achievement that are both adjoined that we recently experienced, and those achievements are surrounding a fellow named Eric Lindberg

who is a constituent of mine from Indianola, Washington.

Eric's grandfather was Charles Lindberg, and on May 1 this year, Eric took off from New York in his plane called the New Spirit of St. Louis, a Lancair Columbia 300, and flying alone, 19 hours later, landed, as his grandfather did, at Le Bourget Airport in Paris. A significant event of human achievement, as was his grandfather, Charles Lindberg's, when he took off in his Ryan N-X-211 and landed in Le Bourget after 33 hours.

This is something our Nation appropriately honors Eric for, his achievement in honoring his grandfather, in making a solo crossing of the North Atlantic in a single engine plane, and for that we honor Eric. We honor his spirit. We honor his achievement, but that is really only part of his story of human achievement, and it is only part of the reason that he flew across the North Atlantic.

Because at age 21, and Eric is now 37, Eric started to develop rheumatoid arthritis that pretty well stove him in. It got so bad that a few years ago he really could not work or fly consistently. He had two artificial knee replacements, and he was having real significant problems, but he had some neighbors in the Puget Sound area working for a company called Immunex and those neighbors at the Immunex Corporation, who are now working with the Amgen Group, were working on a product they wanted to develop to help people with rheumatoid arthritis.

After about \$350 million of investment and thousands and thousands of man-hours of a lot of my constituents, some who live on Bainbridge Island where I live, they developed a product called Enbrel. It is a self-injected product. It is what is called a TNF inhibitor. It is a man-made protein, and it works with the immune system to reduce the onset of the symptoms associated with rheumatoid arthritis.

About 2 years ago, Eric started to take Embro, and within 2 weeks he noticed a very significant change in his ability to walk around, get up and do the daily functions of life, and it allowed him, and he will tell my colleagues this because I talked to him today, it allowed him to train and work towards his goal of duplicating Charles Lindbergh's, his grandfather, flight across the Atlantic, which he successfully achieved on May 1.

It really is a story of 2 great spirits of human achievement, one his individual, one flying across the Atlantic in a single engine plane, and two, a group, one of people harnessing the creative genius of this country to develop a product like Enbrel to help Eric train for this particular endeavor.

So I would like to honor his achievement that he did; one, to recreate and celebrate the 75th anniversary of his grandfather's great achievement; two, to honor the future of medicine and to give a message of inspiration to the others tonight and today who may be

having medical problems, who may be just an invention away of really getting a life change as Eric experienced.

I know that he wants America to be inspired by the achievements of Immunex and his personal achievement so that we can go forward to harness this creative genius, not only in aeronautics but in biotechnology. As we go forward in a way to try to make drugs available to people at an affordable price, we hope that we can find a way also to inspire people to continue this creative effort that my other constituents who live in the Puget Sound area of Seattle, Bothell, where some of the labs are located, they can be honored as well.

I may also note, too, Eric is associated with a group called the X Project which is a challenge project that has a \$10 million reward for creative geniuses who can put 3 people in space with a privately funded vehicle and do it 2 weeks in a row, and we really appreciate his efforts to create an incentive to have a prize. As he told me, we have had great aeronautic advances either when we have a war or a prize and he is working to have this prize to give people some incentive to get privately into space.

So, again, I want to really commend Eric for his tremendous personal achievement, my friends in Immunex for helping him to make that achievement, and I hope this inspiration will help others go forward.

#### EDUCATION TAX CREDITS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, the gentleman from Colorado (Mr. SCHAFFER) is recognized as the designee of the majority leader for half the time remaining until midnight, 40 minutes.

Mr. SCHAFFER. Mr. Speaker, it is late here in Washington, but it is not too late to talk about children, and school children, to be even more specific about it. This is an important issue and an important topic. Education is one of the subject matters that I have focused on in my 6 years here in Congress. It is a topic that I devoted quite a lot of time to as a State legislator in Colorado in the 9 years before I came to Congress, something I take quite personally.

I have got 5 children of my own back home, and those that are of school age are in public school right now, and trying to find a way to improve America's education system has been pretty much a perpetual pursuit of mine and something I believe in very firmly and passionately, and I will be talking tonight about education tax credits, which is a central education issue that will be debated this year before the House of Representatives and the Senate also, and something that is very important to our President and, even more importantly, to people around the country.

I would like to invite any of our colleagues who may be monitoring this

proceeding, if they are interested in the topic of education tax credits, I would be happy to yield a little time to them if they are inclined to participate.

Last August, President Bush came to Colorado. He came to my district, as a matter of fact. We went up to the mountains and visited Rocky Mountain National Park, and I had an opportunity to spend a little time with him in the motorcade talking about the issue of education. It is very important to our President, as we all know. It is a topic which he featured prominently in the course of his many campaign issues. It is a topic upon which he built a great record in the State of Texas, and that success, I think, captured the attention of Americans around the country and I believe figured prominently in the successful conclusion of his campaign for election of the presidency of the United States.

In that motorcade, the President and I discussed the topic of education tax credits. We did so because at the time the President's education proposal, the Leave No Child Behind proposal, which became known as H.R. 1, was still pending in the Congress, and to our chagrin, the both of us, the core element of that bill had been taken out by this House and, in fact, it was ripped out of the bill before the bill even had its first hearing. That core element was all about education choice, school choice, leaving at that point really 2 other elements, flexibility to States, and the second element, national testing, intact.

That school choice provision was something that was very important to the President, very important to me. So we talked about tax credits as the next strategy to try to compensate for the failure of the Congress to deliver that core element of the President's proposal for the Nation.

Education tax credits involve reducing the cost associated with paying taxes to those who will make a contribution to education, to those who are willing to invest in America's education system.

□ 2245

And our vision entails a contribution to America's education system in a way that does not discriminate between schools based on who happens to own them.

The vast majority of schools in America are owned by the government and owned in a monopoly structure when it comes to American schooling. That monopoly structure is something that is very heavily guarded, certainly by those who are employed and who are a part of the public education monopoly, but in too many cases that monopoly structure of service delivery abandons children, especially children who need education services the most.

Education tax credits are blind to the ownership of schools and, instead, focus on the children who want and deserve a quality education in America.

It, in effect, increases our likelihood as a Federal Government of leaving no child behind, a theme that is emblematic of the President's vision for education and is further amplified by this proposal of education tax credits.

So at the end of that conversation, we renewed our vows together to promote education choice, and this is what the President said. He said, "We have to do this." That was August 14, 2001. And so these words have really inspired me to push hard in this Congress for education tax credits, and I am proud to say that as a result of the President's commitment that day, August 14, 2001, to support our efforts here in the House to move an education tax credit bill, our leadership here, our Speaker, our majority leader, our majority whip, and others, the chairman of our Committee on Education and the Workforce, and the chairman of our Committee on Ways and Means which deals with tax policy, have rallied around these words: "We have to do this."

That is not a statement of intentions with respect to just manipulating the Tax Code or doing something that we believe is important for improving schools. We have to do this because we really have changed the debate here in Washington and have led this country to a dramatic departure over where the education debate has led us over the previous 8 years, those years prior to President Bush taking office. And what I mean by that is that for 8 years, and really many, many years before that, the debates in this House with respect to education centered on the relationship between schools or school buildings, which ultimately came down to a debate and an argument over who owns these schools. So anything that was proposed in Washington or even in the 50 States that would help children who do not attend the government-owned monopoly schools was summarily dismissed by the education establishment here in Washington. And it is a large establishment, let me assure you.

But we are moving beyond all that by beginning to focus on children. And when we do that, if we focus on children first, one can only really come to this conclusion that when it comes to school choice and education tax credits, just as our President said, we have to do this. It is important to understand how education funding in America works today because it is a mammoth bureaucracy that funnels cash to children, and it does so in a very inefficient way.

This chart is really a description of the American education system managed by our government. This little guy at the top here is a carpenter and is representative of hardworking taxpayers around the country. They work hard to earn a living, and the government confiscates a certain portion of their wages in every paycheck as taxation. And these wages, or a portion of the wages, if you live in Colorado, are sent to Utah, from Utah they are sent

to Washington, D.C., and they are collected by our Treasury Department. The Treasury Department, we find here, are the first to get their hands on the taxpayers' cash. They distribute these funds based on rules that are established by those of here in Congress, the politicians, and they are distributed through a variety of programs in the U.S. Department of Education.

There are some 760 different Federal education programs, and that number grows every year. Because regardless of whether Republicans or Democrats are in charge of our government, the size of this Department of Education grows at exponential proportions. So we just keep enacting program after program after program with the expectation and the lofty hope that these programs will help children.

Well, these funds then are distributed through these 760 Federal programs down to the States, typically. Sometimes directly to school districts, but primarily to States. At the State level more politicians, State legislators, redistribute those dollars and mingle them with State funds, and those are distributed through 50 State Departments of Education. Once those funds are distributed through the State Departments of Education, through their several programs, those dollars are given to school districts. Once those dollars go to school districts, there are more politicians who are in charge of redistributing those funds, elected school board members. Those elected school board members distribute those dollars way down here to schools in the district. Those schools are managed, of course, by principals and other administrators, finance people, and business managers. Those dollars get to classrooms and teachers distribute those funds on supplies and books and computers, depending on the perceived needs and priorities set by teachers. And eventually, way down here at the bottom, is the child, who we all say we care about.

The tragedy is, in order for this taxpayer to get his money to that child through the government-owned education system, it is necessary to funnel the dollars all the way through this process. It is a long, cumbersome process, and it is established on a centrally designed basis. I mean, we make these decisions here in Washington, D.C., and we attach strings and red tape to these education funds, and more strings and red tape are attached at the State level, and more restrictions are placed on these dollars at the local level.

So by the time the taxpayer's money gets to the child, what little is left of those dollars is really bound up in all these rules and regulations. And often, the further away we get from Washington, D.C., the less likely these dollars are spent in a way that helps the child. So what we are trying to accomplish here in Washington is to find a mechanism to bypass all of this.

Now, we cannot replace it. We have tried that. We have tried to shrink the

size of this bureaucracy, to reduce the red tape, to reduce the rules, to reduce the regulations, to reduce the number of programs. But I concede that it is such a big task. The politics of education are some of the most vicious in America. The special interest groups that have organized around these different agencies are so dramatic and so powerful, they hire lobbyists and so on, and their goal really is to protect the system. The child down at the bottom and the taxpayer here up at the top soon become irrelevant.

So we are going to concede that this system, regardless of who is in charge of the government, is going to grow; and so we are not going to touch this. In fact, we are just resigned to the reality that this is going to continue to get more funding because people are comfortable with this in Washington, and we want to find a way to get around that.

Mr. Speaker, I would like to now yield to my colleague from Michigan, because he has the description of our answer to this.

Mr. HOEKSTRA. Well, Mr. Speaker, I think the other thing I want to reinforce with the chart my colleague was holding up is that that system not only exists for education, but we had a remarkable display of how powerful the system is last week when we tried to put more flexibility into the welfare system.

We were going to just move some control within that pyramid, moving control from Health and Human Services in Washington and actually moving some of the decision-making for how the money would be spent down to the State level, to help those people who need help by having decisions made as close to them as possible. And some folks just about shut down the House on the welfare reform debate because they said no way are we going to move decisions from Washington to somewhere else in this pyramid. Heaven forbid we move it closer to the people that actually would understand the kinds of concerns and the issues that people on welfare would have in their local State.

But we do have a proposal, a solution. The first thing that it does is it allows for more money to go into education. So we are not talking about taking some of the money that goes through that system and taking it out of it and redistributing it. As my colleague indicated, that is a sacred cow.

Mr. SCHAFFER. It sure is.

Mr. HOEKSTRA. That money is going to stay there. Matter of fact, it has been growing rapidly. It will probably continue to grow at a pace that is higher than the rate of inflation. And as my colleague well knows, as we have worked together on the subcommittee dealing with oversight on the Committee on Education and the Workforce, up until the last year or so the folks at the Department of Education here in Washington, who get \$40 billion per year, could not even get a clean

audit. Tells you how much they think about the money.

But we have a better system, or an ancillary or companion system to that bureaucratic model, that bureaucratic model that funnels about \$40 billion from Washington, trying to get it down to our children but losing about 30, 35 cents of every dollar, and that is what we call an education scholarship plan, or an education investment plan. This is where the taxpayer, the person making the living and contributing to growing the American economy, the person that really makes America special, the person who goes to work each and every day, that person having the capability of saying our public education system in our community is a great public education system, they have some special needs, and I want to give them some money.

So this person can write that public school, his local public school, where his kids go to school, where he knows the teachers' names, he knows the superintendent, knows the principal, and he says, these guys are really doing a good job, they want some more technology, or they have some special programs, they have some kids where English is a second language and they really need to help those kids, so I am going to give them \$1,000. I am going to put it directly into that school, directly to my kids, or my neighbors' kids; and I am going to help them out.

So this taxpayer gives them \$1,000. And none of it gets siphoned off by bureaucracy. The taxpayer gets a tax credit for \$500. So that system, that inverted pyramid the gentleman is holding up, where we start with the dollar from the taxpayer in Washington and it finally gets to the classroom where it has shrunk down to 65 cents, what we are doing here with this model is we are taking the dollar and actually growing it because we are giving a dollar tax credit for \$2 of investment in education.

Or this individual can say, you know, I want to put this into an investment scholarship fund, an education scholarship fund where there are kids who, for whatever reason, are going to a different school, maybe another public school, where some States have it if a child goes to a public school that is outside of the geographic boundary where they live, they have to pay tuition to go to that school, so this taxpayer is going to give money to that scholarship fund for public school students who want to go to a school outside their district and they can get a scholarship to help pay their tuition.

This, by the way, is not a revolutionary idea. This has been implemented in a number of different States and it is putting new money into public education. It is putting money into these education investment funds so that kids, some kids will have the opportunity, who choose to do so, can go to private or parochial schools. We are also trying to find a way to make this system work for home schoolers. It is really kind of tough.

Today, it was kind of exciting. You know we talk about some of the kids that we have the opportunity to meet in our jobs. Today, we had a young man from Jenison, Michigan, Calvin McCarter, 4-foot-6, 10-year-old Calvin McCarter, who won the geographic bee today, being able to, I guess, take a look at that globe and identify places that some of us did not even know existed.

□ 2300

He is 10 years old. He is in the fifth grade. He was competing against eighth graders, up to eighth graders. He won the national geographic bee. His parents have chosen to home school him. So here is a home schooler. It is not costing the government any money to educate him. And his parents cannot receive any kind of a financial break to provide the resources and the materials that they would like to use to educate Calvin. Obviously they are doing a great job. Congratulations to Calvin, to his parents, to his older brother who I guess was his first geography teacher, but just an absolute testimony to the diversity of education models that we have in America today. We have got great public schools. We have great private and parochial schools. We also have a growing number of parents and adults who are choosing home schooling. What this system does is provide some kind of an education investment fund, it allows taxpayers to significantly increase the money that is going to education, but when they do that, these education dollars can flow to our public schools, they can flow to our private and parochial schools and can help our home schoolers out.

Mr. SCHAFFER. Here is the proposal right here, the draft resolution. We expect to introduce this in the first, maybe the second week of June when we return from our Memorial Day district work period. There is quite a lot of interest in this legislation already. Again, the way it works is every American who pays taxes will be able to get a tax credit up to \$250, a 50 percent credit for every dollar they contribute to a public or private school, a public school directly under the way we have designed it or a scholarship fund that would be used by children to apply for a scholarship so they can attend private schools if they would want. There is also a corporate component that is really very essential in this legislation and that allows corporations to invest in America's education system as well, again with the incentive of a 50 percent tax credit.

The beauty of this from the government's perspective is how we stretch the dollars. When we spend a dollar through the bureaucratic model of education funding, again this is a \$40-billion-a-year exercise in Washington. When we spend those \$40 billion, only about two-thirds of those dollars ever make it to a child. The rest are lost in here somewhere. So we lose money in-

vesting through this system. The children are important, so we invest a lot because we know we are going to lose money, we want to make sure that of the \$40 billion that we invest, that some fraction of that makes it down to the child.

But the education tax credit does just the opposite, because it is only a 50 percent tax credit. Let us be frank, it would be nice if it were a bigger tax credit, but 50 percent is what we built into our budget this year, which means for every dollar the government invests in education, every dollar we spend through this tax credit, two dollars end up going to a child somewhere in America.

Mr. HOEKSTRA. Really, we get three times the bang for our buck. Because when it goes through the system, it ends up with 60 cents. When you go with the tax credit model, you end up with \$2 in your local classroom. Three times the 60, 65 cents, gets you to the two bucks. This is a much more effective way to invest in education.

The other thing is the model of the pyramid that you are outlining; there is a tremendous amount of accountability in there. Because when we in Washington give people some of their money back, we do not trust them to do exactly what they are supposed to do so we put together a whole set of rules and regulations telling these folks exactly how the money should be spent. And then once they spend the money at the local level, they have got to go back up the reporting chain to tell everybody that the thing we got the money for, that is what we actually spent it for. Of course then again the Federal Government will not believe them, so then we will send an auditor back to make sure the reports they sent back to us are exactly right. That is an inefficient model; but as we have said, that model is going to stay.

We want to come up with a companion piece where the accountability becomes the accountability directly between a local school, a scholarship fund and the taxpayer.

So for this individual who is very pleased or has been convinced that his local public school needs some help, writes them the check and finds out 6 months later or 9 months later that they have taken his money and that this fund they have put it in, they have squandered it, he does not write a check the next year.

Mr. SCHAFFER. In the current education model, the bureaucratic model here that is represented in this poster, accountability is really achieved on a sampling basis. The Treasury Department tries to make sure the Department of Education is spending its money the way it is supposed to, so it does audits and it samples certain programs and follows certain dollars. It cannot follow every single one of the \$40 billion that are spent here. The U.S. Department of Education has to try to make sure the States are spending money right. They do not really audit



every single State. They choose a sample of them, and they sample a certain handful of programs. The States sample programs through the State departments and the schools.

So what happens is only a portion of the funds spent are really held accountable, that we really make sure those dollars reach a student. And even though it is a sample, it is still a nightmare for people involved in a system, especially the lower down this food chain you go. The principals at these schools, my goodness, they have got auditors and people coming in all the time from all these different levels of government to try to make sure the money is spent right, but even that is just a sample.

But with tax credits, the auditing is not a sample, it is not a fraction, it is not just a portion of the dollar spent. It is 100 percent when it comes to the dollars spent. The reason is because rather than one agency spending cash, one body of politicians, the Congress, spending the money, 50 State Governors and legislators, we magnify the accountability by tens of thousands.

Mr. HOEKSTRA. The beauty of this system, and the example that I used is probably wrong because I said if a local public school squanders that money and does not use it wisely, they will not get the check the next time. I think what would happen, I think what we would expect to happen, is because of the close connection that our public schools have to their communities, that when they get these dollars for a specific cause, such as in my hometown they want to rebuild or renovate the performing arts center, I think they could raise the money for it through this process, both through corporate and private gifts. I think they would do a whale of a job working with our local contractors to have that thing come in on budget, we would end up with a beautiful facility, it would be great for the kids and maybe the next year if they do not have something or maybe in 2 years they have got another need, they will go back to our community and when the community sees the investment that they are making in our kids, that they are spending the money wisely, these people will ante up again and they will give them a check the second time.

Mr. SCHAFFER. What you see here in the United States now through the bureaucratic model is the schools that are the worst failures, they get more cash. In fact the worse they do the more money they get, it seems like. This is a terrible model. The reinforcement ought to be just the opposite in my mind. We ought to be rewarding success. Because teachers and principals, administrators, even in the most challenged inner city schools, they can do a good job and they do from time to time. But what happens is when you find a collection of legitimate leaders in a community that are helping the most needy children, they are treated just as all of the others

that are not doing a good job. This tax credit model really serves to reinforce those schools that are doing a good job. In fact, the way we have written it, it targets the children who need the help the most, the poorest in America.

Mr. HOEKSTRA. It is exactly what we are finding at the State level. The important thing here at the State level, it shows the tremendous commitment that the American people have to education. Because there is significant money flowing, new money flowing into education through this model. Again, all of our kids are benefiting, kids in public schools are benefiting because people are writing that extra check to their local public school saying, absolutely, this is a worthwhile expenditure, you are doing a great job with our kids. You got some special needs, you got some special promise, we are going to write you a check.

Mr. SCHAFFER. It underscores the contention we have that we bring to this debate and, that is, that Americans will contribute more and they are willing to invest more in America's education system if they are convinced and assured that there will be meaningful results for real children. Today they do not get that assurance. Under the tax credit model, that is an assurance that is delivered to their door, something that they can see in their neighborhood, they can make a difference with their own contributions and it is such a positive idea that the government is willing to reduce the tax burden, the Federal Government, for any individual who will make contributions to the neighborhood schools. That is really what the tax credit bill is all about.

□ 2310

Mr. HOEKSTRA. Again, one of the criticisms that may come up, this will be a great program for your middle class suburban areas, for your wealthy school districts and those types of things. But when you take a look at what is happening at the State level, again, it is pretty amazing, and it shows the true character of America, because a tremendous amount of this money that is being driven by tax credits at the State level is not going to the local public school.

There is a significant amount going there, but there are significant numbers of individuals and corporations who are willing to say, "I am going to put that money into a scholarship fund, and I do not know who the beneficiary is going to be." And those scholarships are maybe going to go to, and a lot of them have the funds, have them limited to kids who come from families who are 200 percent of poverty or whatever. So they are willing to put that money into a scholarship fund which may go to a child who lives on the other side of the State, who lives in one of our large urban areas, and they are fully willing to write that check, knowing that that money is going to leave their community, but they are

going to help some child out somewhere else in the State, and they may or may not ever know the name of that child. But they know it is an investment to make sure that we do not leave a single child behind in education.

I think that is kind of a common goal that we have in America. When you take a look at the tax credit model, this money is flowing to all of our kids. It is not just going into certain pockets within the State. There is a tremendous amount of opportunity. There is a tremendous amount of interest in making sure that every child has the opportunity to get a good education. And for those kids that are locked into schools where there is a high level of violence or where there is drugs or where there is crime, these kids are the ones that may be applying for a scholarship.

One of the things we like to say is the only thing that a child should be afraid of when they go to school is the test in the afternoon, the exam they are going to have. No child should be forced to go to any school where they feel threatened or where there are drugs in the school or where they believe that they are in an unsafe environment, because we know that kids cannot learn in an unsafe or insecure environment.

Again, what is happening in the States that have these plans in place, dollars are flowing into scholarships that are intended to help those kinds of kids.

Mr. SCHAFFER. The proof is right here in Arizona. There are 6 States that have enacted tax credit plans that are similar to what we have proposed for the whole country, and they are tax credits on State taxes that taxpayers pay in those States. This is one study that was done by two researchers, Carrie Lips and Jennifer Jacoby, of the Arizona plan. It is the first plan and one we talk about a lot that has the greatest track record.

Between 1998, its first year, and the year 2000, this tax credit in Arizona generated \$32 million, Mr. Speaker, in new money for Arizona school children. Not only did it generate new money, these are dollars that did not come from the Arizona public schools.

Mr. HOEKSTRA. This is people voluntarily writing a check to their local school district and saying, here, I will take the tax credit. Arizona is 100 percent tax credit. But, again, it is new money, and people are willing to let the schools decide where that money is going to be spent, rather than them spending it on their own discretionary items.

Mr. SCHAFFER. Thirty-two million new dollars in the State of Arizona as this program got up and running between 1998 and 2000. There are more than 30 scholarship organizations that sprung up as a result of this tax credit bill, and those scholarship organizations made it possible for 19,000 students to receive scholarships and go to the schools that they chose, not the

schools that the government told them they have to go to or schools not meeting their needs. Instead, these 19,000 students went to schools that they picked, that their parents selected, based on what was most suitable for their children.

Here is the most interesting statistic, because it addresses the criticism that some have of a tax credit proposal. This answers the question of whether these dollars are headed to children who have the greatest need.

In Arizona, according to the study, more than 80 percent of the scholarship recipients were selected on the basis of financial need. That is certainly true in Arizona. It has been studied over and over again. It is also true in Pennsylvania, Florida, Illinois, in a handful of other States that have enacted similar legislation, Minnesota, Iowa. Those are the 6.

These tax credit proposals have been attempted in over 30 States throughout the country, and they generate bipartisan support. When we start talking about children, for a change, rather than who wins or loses in the battle over the support for the mighty teachers' union, or the administrators' association and so on, when we ignore all that nonsense and the political benefits of appeasing those groups, and instead focus on trying to help children, as Arizona has done, this is something both parties and both sides of the aisle can rally around. We have seen that in all the States.

Mr. HOEKSTRA. My colleague brings out a critical point. When we are dealing with the funnel, starting with the Federal bureaucracy and running through the Department of Education, running through the States, running through the State Department of Education, what happens is we end up focusing more on the process, the bureaucratic process, than we do on the child at the end of the process and making sure that that child gets the results.

My colleague knows the debates that we go through here. We come up and say, what is the funding formula? What State is going to get what? If you identify a higher number of kids as having disabilities with learning, you get more money. So you actually create sometimes an incentive to label kids in certain ways. And if you label them in certain ways, you get more money, and if you label them in different ways, you get less money. You have got to keep score of what kids fall in what box.

You go through that whole process, and at the end of the day you spend so much time and energy on the process, the forms, the rules and the regulations, you lose sight of the child at the end of the process, and the tax credit model is very, very simple.

Mr. SCHAFFER. The scenario you just described, for those who do not get to see the inside of the political process like we do on the Committee on Education and the Workforce, it is really disgusting sometimes when we start

talking about school funding through the bureaucratic model.

What happens is somebody will offer an amendment in the committee to change some aspect of the finance mechanism, and the staff hands out computer runs of all 50 States and how this change will affect the different States and the different programs in each of these States, and every Member of Congress that serves on these committees, as the person who offers the amendment is speaking, we are all shuffling through the graph trying to follow the line. In the State of Colorado does this amendment give my State more money or take money away? That is the basis for the vote. But the kid does not matter. There are no names of children associated with that. There are no faces associated with that. It is just accounting.

Mr. HOEKSTRA. We try to figure out why the student in Colorado gets maybe \$650, or the State gets \$650 per child, and Michigan gets \$635, and some other State maybe gets \$675. It is how did this all happen and why does one State get more? We go through this debate.

Then you get the large States coming together to pass an amendment to make sure that the large States with large urban areas, well, we deserve more. Then the rural States try to come together, but they do not have as many votes, because all of Montana has one Representative, so it is pretty hard for them to come out and say even though the cost of education may be more there, it is kind of like, you know, you collect this money and this bureaucratic process tries to reallocate it in somewhat of a fair model. But it is based on political clout, seniority within the system, and the whole debate takes place, focused on the process, forgetting about where the money came from, from the taxpayer, and forgetting about who we are trying to help, the child.

Mr. SCHAFFER. The very first hearing we had on this proposal in Congress was not like that at all. We sat across the committee table looking at real live children and their parents, their grandparents, and real live community and neighborhood activists, who work on school issues. All of a sudden this became a debate about humans, about people, about kids. It was a remarkable exercise.

Let me conclude and summarize by thanking the gentleman from Michigan for joining in this special order, and to thank the President also for making this debate possible.

Again, it was the President of the United States in Colorado on August 14 when we talked about education tax credits, and here is what he said: "We have to do this." And it is as a result of this commitment and promise that he made not only to me in Colorado, but elsewhere throughout the country, that we are here today.

□ 2320

Si it is a debate about which we are quite serious.

The SPEAKER pro tempore (Mr. ISSA). The Chair would advise the gentleman from Colorado (Mr. SCHAFFER) that he may have up to 20 minutes longer because of the absence of a minority representative at this time. Does the gentleman move for that?

Mr. SCHAFFER. Mr. Speaker, if there is no objection, we would claim the remaining time.

Mr. HOEKSTRA. Mr. Speaker, if my colleague will yield, I just want to go to a different subject for a couple of minutes, and I thank the gentleman for yielding.

I just want to focus on something that I think the gentleman from Colorado and I are both very concerned about as being members of the Committee on Education and the Workforce, but it is also the Committee on Education and the Workforce, so we do a lot of work on oversight and business practices and those types of things.

A few months ago we were all exposed to the fiasco at Enron, and then I could not help but to take a look, just with amazement, taking a look at the front page of the business section of The Washington Post on Tuesday. Here is what is happening in our business community today. We have a large energy company in Michigan that was doing round-tripping. What is round-tripping? You sell energy to somebody and you buy it back immediately for the same price that you sold it to them for, and all it basically does is it allows you to escalate your trading activity. The comment was, no harm, no foul. It is kind of like no harm, no foul; no harm no foul, but no benefit, so if there is no benefit and it did not hurt anyone, why would you even do it? But they did it, and for one of their trading units, it was almost 80 percent of their business. I think that is very questionable.

But then we get to the front page of this business section on Tuesday. Headline: "Ernst & Young ties decline improper," and I think this has to do with the accounting firms doing both accounting and consulting. Then we go down to the follow-on story, the Enron saga, "Anderson tape shows order to clean files." And then here is another one, "Former software executives charged."

Mr. Speaker, so much of our business system and the free market system is based on trust, that the numbers that we get that represent, that have been audited, that tell us about the performance of a company, we trust that the auditors in the company have given us accurate information by which we can make decisions. The buying and selling of bonds and companies going public, there has to be a certain integrity in the process. The reason I bring this up is that I think that these are very disturbing trends.

Mr. SCHAFFER. They sure are.

Mr. HOEKSTRA. The other reason that I bring it up is I was with a group of business people on Monday, and we both know how business people complain about rules and regulations. They

said, Are you guys doing anything to lift the burden of rules and regulations? I basically said to them, as long as we continue seeing headlines like this, and I do not know how many of the energy companies were involved in this round-tripping, but I think a number of them; but as long as we keep seeing headlines and stories like this, the role of Congress is probably disappointingly going to have to be to put more rules and regulations in place, rather than fewer, because there are some businesses and some business leaders who have decided that they are going to push the envelope as to what is "technically" legal, although it is clear that the end result is that they are presenting information that does not clearly represent the condition of their business and the volume and the activity or the health of their company at a given time, and I can only deduce that it is being done to deceive investors, customers and shareholders; and it is outrageous.

Mr. SCHAFFER. Mr. Speaker, the gentleman is exactly right, and I appreciate the gentleman for raising the issue and bringing that example before us. Because these people who are in the business of deception where their only intent and purpose in some of these business transactions is to deceive and falsify the true picture of business activity, they are not business leaders; they are, in fact, scoundrels. And what they are doing is selling short the capitalist system in America, which is the bedrock of our foundation and liberty and freedom. When they behave in that sort of way, they betray the legitimate entrepreneurs that have made America great.

Those legitimate entrepreneurs are the rule, not the exception. These scoundrels are the exception. It is truly unfortunate, because this is not just about whether certain entrepreneurs and CEOs make cash; it is about making unethical, immoral decisions that threaten the jobs and livelihoods of millions of Americans; and beyond that, they imperil our capitalist system here in our country, something for which many, many Americans have dedicated their lives; and in fact, some have died in the course of preserving and protecting our way of life.

It is a sacred system. It is the hope for the world, really. It has been the American system of capitalism, has been the model of freedom and prosperity that every single other country in the world looks to for leadership and guidance. And when our own entrepreneurs in America, and when the Congress and when the country in general allows these kinds of scoundrels to begin to define capitalism in America, they threaten our liberty, they threaten our republic.

I do not think we can spend enough money, I do not think we can hold enough hearings, I do not think we can throw enough people in jail until everyone who is engaged in these kinds of activities are essentially cleaned off

the streets and placed in some place where they are incapacitated and cannot harm our Nation any more.

Mr. HOEKSTRA. Mr. Speaker, if the gentleman will yield, what I think it points out also is how fragile the system is, and the fragility of the system is based on the very fact that it is based on trust. As soon as people start abusing that component, it threatens the entire system, and then we become a bureaucratic system, because we cannot trust, we cannot trust the system any more. It becomes trust and verify, and verify means bureaucracy, more cost, more cost in doing business.

I think this Congress and I think we as Republicans need to stand up and really go after it the way the gentleman said, that these individuals, they are the minority, they are grabbing the headlines, but they threaten and imperil the very future of the capitalistic system by these kinds of abuses.

Mr. SCHAFFER. Mr. Speaker, it ultimately comes down to the American citizens themselves and the importance of having an American electorate that is economically literate is absolutely essential and it has been for all of the years of our Nation's history. Because the reality is we here in Congress can hold all the hearings, we can make all the tough speeches like I am doing right now, and it will not make one bit of difference if Americans continue to invest in companies that are, in fact, scams. It will make not one bit of difference unless there is a moral outrage among the American electorate based on their understanding of the need to preserve a capitalist society.

That maybe gets us back to this education issue again, because this country cannot afford to see more children graduating from schools who are indifferent to the functioning of the American economy and do not see any cause for moral outrage when they see, when they see a Nation that is composed of generally honest, hard-working, conscientious business leaders against the absolute scoundrels of American commerce who are really spoiling it for everyone else.

□ 2330

We need to start making consumer choices, investment choices, so companies like the ones you just cited that are in the business of deception in order to pad the profits of CEOs are out of business and are shut down, and cease to exist in America.

We cannot do it alone in Congress. We will certainly try if it comes to that, but it is essential for the American people to play a personal role in the solution to the effort to preserve and maintain our capitalist society.

Mr. HOEKSTRA. I think what will happen in the business world is that individuals drive the business community by the decisions they make as to where they work, where they buy their products from, what they invest in, who they loan their money to. Those

same kinds of dynamics are what we are trying to introduce into the education system with this tax credit.

We are going to leave the bureaucratic model in place, allowing a significant portion of money to flow through the bureaucratic process, but what we want to do is open up some level of entrepreneurship in a strengthening of the relationship between educators at the local level and the communities that they serve so they can raise money at the local level for the special needs that communities, those schools, and those kids have.

I am very excited about that. I am also excited about the placard that the gentleman holds up where the President says that we need to do this, because it is very much the complement to H.R. 1 that we passed last year.

The gentleman and I were not all that pleased with H.R. 1. We embraced the concept at the first part, but as the bill went through the process, we found out how powerful that bureaucratic process was. That is where much of the emphasis of H.R. 1 ended up being.

H.R. 1 ends up cleaning up that process, putting more accountability into it, but not empowering parents or local communities in the way that the President articulated in his "leave no child behind" vision, saying that we are going to improve that system, but at the same time, we are going to empower parents and we are going to put more money into the system.

What the tax credits really do is they fill out the President's total agenda on education that he outlined in the year 2000.

Mr. SCHAFFER. The national testing and the new accountability measures in and of themselves, and standing alone, cannot reform schools. They were never proposed or it was never promised that that would be the case. These are diagnostic tools that are important and can be useful, but they are only useful if there is some consequence associated with it.

As that bill passed, it was simply a national testing mechanism. If it has some mandates in it that are going to force States to get into conformity with this new national mandate, then there is some expansion of some Federal programs, but government, government cannot ever be trusted to fix America's schools. Government can be a useful tool if parents are empowered in a marketplace of academic ideas to reform an education system, so with these diagnostic tools the participation of government is important and can be useful, but the necessary element is choice.

Why on earth our country over the years has evolved, or I should say devolved, to the system that it is now of a government-owned, unionized, bureaucratized monopoly is beyond me.

We just talked about the great advantages for hope and liberty that are emblematic of our capitalist economy. If that is true, and I believe it is, then we should be looking for free market

solutions where education is concerned.

This testing provision is helpful, it is a useful tool to begin to compare government-owned schools versus a different government-owned school, or maybe a government-owned system versus a private system and so on, but none of that matters until we get choice. This tax credit provision that we proposed, it provides choice in two areas: One, it gives greater liberty to the student as a consumer; and it gives greater liberty to the taxpayer as an investor.

It runs, in principle, with the government system. It is just an alternative model, a different model, and something that I believe can have revolutionary, positive consequences for America's schoolchildren.

Mr. HOEKSTRA. It also gives a great liberty to our public school system, because what it does in our State of Michigan, basically, our public school superintendents who care passionately about the kids in their districts have become beggars to Lansing, our State capital, to get the money to flow into their districts. They are always going to Lansing to get the money.

What this now really does, it empowers them, because so many of the schools in my district have such a loyalty from their constituents and their parents and the kids, but there is no effective way for these people in these communities to put more money into their public schools.

Tax credits will enable them to do that so that, again, there will be some more balance in the system so that these public school superintendents will be able to get some of their money from Lansing, but when they are doing a great job and their test scores come in and say, man, look at how we are doing, in our district some of the public school students have gone to the military academies, and they go there and they are in the top 10 percent of their class at the military academies.

When people see that kind of performance, they are going to say, I am willing to give more money to that superintendent because he or she is doing a great job for our kids, and I think they are going to spend that money wisely.

So it gives a tremendous degree of flexibility, like the gentleman said, to the parents, to the kids, to the taxpayers, but also to the traditional public school system. This should not threaten them because it really will enable them to enhance their relationship with their community and enhance their education programs to take those schools to the next level, as well.

Mr. SCHAFFER. Money follows freedom. That is true almost no matter what we are talking about, whether we are talking about the leadership of countries. If we look around the world, those countries that have a heavy, autocratic, bureaucratic system of rules and no property rights, they have

a very difficult time keeping their economies afloat. Those countries that have made the reforms toward property ownership, toward real liberty and freedom for their citizens begin to see capital being created within those countries.

Here in the United States, our capitalist system of competition and freedom has resulted in wealth creation beyond anyone's wildest dreams, and in the history of human civilization. The same is true in education. If we can begin to cut the strings and the red tape and the restrictions that are associated with school money, we will see more of it generated, and that is our goal.

The current system, for all the things that people see in that as beneficial, the fact remains that at the end of the day, for every dollar spent, approximately 60 cents makes it to a child. What we are talking about is a freedom-based model of education tax credits wherein, under our proposal, for every dollar that it costs the government, \$2 makes it to a child.

We do not have to be rocket scientists to figure out this is a great bargain for the government, a great bargain for the taxpayer, and it is a better bargain for the student.

For the teacher in the middle of all of this, today they are not treated like professionals; I hate to say it. We expect a lot of them, we call them professionals, but the reality is, the worst teacher in a district in a public school model gets paid the same and on the same terms as the best teacher in a district.

What kind of incentive is that for good teachers, when they see the lazy teacher that is not that committed or maybe burned out? And they are the exception, not the rule, but they exist. But when you see these kinds of teachers that I am describing leaving the school when the bell rings, and yet getting the same pay raise on the same pay scale, it does not take more than 4 or 5 years for a good, hard-working teacher to get burned out on that. It is not a motivating factor.

Education freedom through education tax credits begins to allow teachers to be teaching like the professionals they are, too. If they are attracting students, if they are attracting customers, cash will begin to follow that, and these teachers will begin to be paid according to the professional scale I think they deserve.

Mr. HOEKSTRA. I think it holds great opportunity. It is not a perfect system, and it is not going to fix it by itself. Tax credits are not going to reform the system. But when you can combine the tax credits with H.R. 1, more parental choice, cutting some of the rules and regulations out of the bureaucratic model so that, again, more than a dollar or more than 60 cents can make it into a local school, when we start combining all of those things and we can really get some dynamic or exciting form in all of our schools for all

of our kids to make sure our kids are the best-educated kids in the world, that is the goal that we should have.

Until we reach that goal and that objective, we should not stop working.

Mr. SCHAFFER. I spoke to a group of different organizations just this morning about this issue of education tax credits. There were taxpayer organizations there, family organizations, church groups, synagogues represented. It was just a number of organizations that care about education, and they are here in Washington. There must have been about 100 people in the room. They were all very enthusiastic about the proposal. They want to help. They are writing letters to congressmen and making phone calls to the people that they know here.

I think it is important for our colleagues and anyone else who may be monitoring tonight's proceedings to know that this is a very real proposal. It is in play. We do need the voices of Americans to raise up and rally around this education tax credit bill. It is not introduced yet; it will be introduced in a couple of weeks.

I think it is really important for all of us to contact our colleagues here in the Congress, particularly those who serve on the Committee on Ways and Means and in our leadership, and voice in the strongest terms possible support for this freedom-based tax credit proposal to help children and to get it passed.

We need that kind of support and that kind of a campaign around this proposal now, and this special order is just one part of trying to accomplish that. For that, Mr. Speaker, I am grateful for your indulgence in recognizing us tonight. We will be back in 2 weeks to talk about the same topic again.

#### LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. LIPINSKI (at the request of Mr. GEPHARDT) for today after 6:00 p.m. on account of a family matter.

Mr. BURTON of Indiana (at the request of Mr. ARMEY) for the week of May 20 on account of personal reasons.

Mrs. EMERSON (at the request of Mr. ARMEY) for today on account of a death in the family.

#### SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. TURNER) to revise and extend their remarks and include extraneous material:)

Ms. KAPTUR, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

Mr. SCHIFF, for 5 minutes, today.

Mr. SHERMAN, for 5 minutes, today.

Ms. BROWN of Florida, for 5 minutes, today.

Mrs. MINK of Hawaii, for 5 minutes, today.

Mr. BLUMENAUER, for 5 minutes, today.

Mr. TURNER, for 5 minutes, today.

(The following Members (at the request of Mr. GRUCCI) to revise and extend their remarks and include extraneous material:)

Mr. WILSON of South Carolina, for 5 minutes, today.

Mr. GEKAS, for 5 minutes, today.

Mr. NUSSLE, for 5 minutes, today.

Mr. HAYES, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. INSLEE, for 5 minutes, today.

#### SENATE CONCURRENT RESOLUTION REFERRED

A concurrent resolution of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. Con. Res. 115. Concurrent resolution expressing the sense of the Congress that all workers deserve fair treatment and safe working conditions, and honoring Dolores Huerta for her commitment to the improvement of working conditions for children women, and farm worker families; to the Committee on Education and the Workforce.

#### ADJOURNMENT

Mr. SCHAFFER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 40 minutes p.m.), the House adjourned until Thursday, May 23, 2002, at 10 a.m.

#### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

6981. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule—Adjustment of Appendices to the Dairy Tariff-Rate Import Quota Licensing Regulation for the 2002 Tariff-Rate Quota Year—received May 9, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6982. A letter from the Chief, Forest Service, Department of Agriculture, transmitting the Department's final rule—National Forest System Land and Resource Management Planning; Extension of Compliance Deadline (RIN: 0596-AB87) received May 17, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6983. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting the Department's final rule—Change in Disease Status of Portugal Because of African Swine Fever [Docket No. 01-026-2] received May 2, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6984. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting the Department's final rule—Karnal Bunt; Restrictions on the Use

of Grain Originating in a Regulated Area [Docket No. 01-118-1] received May 2, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6985. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule—Adjustment of Appendices to the Dairy Tariff-Rate Import Quota Licensing Regulation for the 2002 Tariff-Rate Quota Year—received May 2, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6986. A letter from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting the Department's final rule—Tart Cherries Grown in the States of Michigan, et al.; Final Free and Restricted Percentages for the 2001-2002 Crop Year for Tart Cherries [Docket No. FV02-930-1 FR] received May 7, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6987. A letter from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting the Department's final rule—Cotton Research and Promotion Program: Procedures for Conduct of Sign-up Period [Docket No. CN-01-007] received May 7, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6988. A communication from the President of the United States, transmitting a request for an FY 2002 supplemental appropriation for the Department of Veterans Affairs; (H. Doc. No. 107-218); to the Committee on Appropriations and ordered to be printed.

6989. A letter from the Under Secretary, Acquisition and Technology, Department of Defense, transmitting the Department's annual report on the Defense Environmental Quality Program Annual Report for Fiscal Year 2000, pursuant to 10 U.S.C. 2706(b)(1); to the Committee on Armed Services.

6990. A letter from the Director, Defense Procurement, Department of Defense, transmitting the Department's final rule—Defense Federal Acquisition Regulation Supplement; Overseas Use of the Purchase Card in Contingency, Humanitarian, or Peacekeeping Operations [DFARS Case 2000-D019] received May 7, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

6991. A letter from the Assistant General Counsel for Regulations, Department of Housing and Urban Development, transmitting the Department's final rule—Technical Corrections to Certain HUD Regulations [Docket No. FR-4747-C-01] received April 30, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

6992. A letter from the Assistant General Counsel for Regulations, Department of Housing and Urban Development, transmitting the Department's final rule—Loan Guarantees for Indian Housing; Direct Guarantee Processing [Docket No. FR-4241-F-02] (RIN: 2577-AB78) received May 13, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

6993. A letter from the Director, FDIC Office of Legislative Affairs, Federal Deposit Insurance Corporation, transmitting the Corporation's final rule—Risk-Based Capital Standards: Claims on Securities Firms (RIN: 3064-AC17) received May 2, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

6994. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule—National Flood Insurance Program (NFIP); Pilot Project-Public Entity Insurers (RIN: 3067-AD17) received May 7, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

6995. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule—Final

Flood Elevation Determinations—received May 7, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

6996. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule—Suspension of Community Eligibility [Docket No. FEMA-7779] received May 7, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

6997. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 610 of the Gulf of Alaska [Docket No. 011218304-1304-01; I.D. 012202D] received April 30, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

6998. A letter from the Assistant Secretary, Securities and Exchange Commission, transmitting the Commission's final rule—Exemption for the Acquisition of Securities During the Existence of an Underwriting or Selling Syndicate [Release No. IC-25560; File No. S7-20-00] (RIN: 3235-AH57) received May 2, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

6999. A letter from the Under Secretary, Personnel and Readiness, Department of Defense, transmitting the Department of Defense Education Activity (DoDEA) 1999-2000 Accountability Report and the 1999-2000 School Profiles for the Department of Defense Dependents Schools (DoDDS), pursuant to 20 U.S.C. 924; to the Committee on Education and the Workforce.

7000. A letter from the Acting Assistant General Counsel for Regulations, Office of the General Counsel, Department of Education, transmitting the Department's final rule—Capacity Building for Traditionally Underserved Populations—received May 7, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

7001. A letter from the Secretary, Department of Health and Human Services, transmitting the Annual Report on the National Institutes of Health (NIH) AIDS Research Loan Repayment Program (LRP) for FY 2001; to the Committee on Energy and Commerce.

7002. A letter from the Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting the Department's final rule—Public Information; Cross Reference to Other Regulations; Technical Amendment [Docket No. 02N-0086] received May 9, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7003. A letter from the Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting the Department's final rule—Secondary Direct Food Additives Permitted in Food for Human Consumption [Docket No. 01F-0233] received May 9, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7004. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's annual report on international terrorism entitled, "Patterns of Global Terrorism: 2001," pursuant to 22 U.S.C. 2656f; to the Committee on International Relations.

7005. A letter from the Director, Bureau of Economic Analysis, Department of Commerce, transmitting the Department's final rule—International Services Surveys: BE-48, Annual Survey of Reinsurance and Other Insurance Transactions by U.S. Insurance Companies with Foreign Persons [Docket No. 010607148-1277-02] (RIN: 0691-AA42) received May 7, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

7006. A letter from the Director, Bureau of Economic Analysis, Department of Commerce, transmitting the Department's final rule—International Services Surveys: BE-20, Benchmark Survey of Selected Services Transactions with Unaffiliated Foreign Persons [Docket No. 010724189-1276-02] (RIN: 0691-AA41) received May 7, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

7007. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of an unauthorized transfer of U.S.-origin defense articles pursuant to Section 3 of the Arms Export Control Act (AECA); to the Committee on International Relations.

7008. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's final rule—Schedule of Fees for Consular Services, Department of State and Overseas Embassies and Consulates—received May 8, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

7009. A letter from the Chairman, Board of Governors of the Federal Reserve System, transmitting the semiannual report on the activities of the Office of Inspector General, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

7010. A letter from the Vice Chairman, Export-Import Bank of the United States, transmitting the Bank's Annual Performance Report for FY 2001; to the Committee on Government Reform.

7011. A letter from the Board Members, Merit Systems Protection Board, transmitting the Board's annual report for FY 2001; to the Committee on Government Reform.

7012. A letter from the Director, Office of White House Liaison, National Oceanic and Atmospheric Administration, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

7013. A letter from the Director, Employment Service, Office of Employment Policy, Office of Personnel Management, transmitting the Office's final rule—Recruitment and Selection through Competitive Examination (RIN: 3206-AJ52) received May 7, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

7014. A letter from the Inspector General Liaison, Selective Service System, transmitting a report in accordance with the Inspector General Act of 1978, as amended, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

7015. A letter from the Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule—Arkansas Abandoned Mine Land Reclamation Plan and Regulatory Program [AR-036-FOR] received May 14, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7016. A letter from the Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule—Illinois Regulatory Program [IL-101-FOR] received May 14, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7017. A letter from the Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule—Kentucky Regulatory Program [KY-229-FOR] received May 2, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7018. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the North-

eastern United States; 2002 Fishing Quotas for Atlantic Surf Clams, Ocean Quahogs, and Maine Mahogany Ocean Quahogs [Docket No. 011004242-2005-02; I.D. 092401F] (RIN: 0648-AP09) received April 30, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7019. A letter from the Assistant Administrator for Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Magnuson-Stevens Act Provisions; Essential Fish Habitat (EFH) [Docket No. 961030300-1007-05; I.D. 120996A] (RIN: 0648-AJ30) received May 2, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7020. A letter from the Regulatory Programs, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Northeastern United States; Northeast Multispecies Fishery; Delay of the Implementation Date of the Year-4 Default Management Measures for Small-Mesh Multispecies [Docket No. 010823216-2020-02; I.D. 071601A] (RIN: 0648-AP32) received May 2, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7021. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries Off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; Whiting Closure for the Catcher/Processor Sector [Docket No. 001226367-01; I.D. 110901A] received May 2, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7022. A letter from the Acting Division Chief, Marine Mammal Division, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Dolphin-Safe Tuna Labeling; Official Mark [Docket No. 991210333-0089-02; I.D. 111099C] (RIN: 0648-AN37) received May 2, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7023. A letter from the Acting Division Chief, Marine Mammal Division, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Taking of Marine Mammals Incidental to Commercial Fishing Operations; Tuna Purse Seine Vessels in the Eastern Tropical Pacific Ocean (ETP) [Docket No. 990324081-9336-02, ID072098G] (RIN: 0648-AI85) received May 2, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7024. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Atka Mackerel in the Central Aleutian District [Docket No. 011218304-1304-01; I.D. 021102A] received May 2, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7025. A letter from the Assistant Administrator for Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries Off West Coast States and in the Western Pacific; Atlantic Highly Migratory Species; Fisheries of the Northeastern United States; Implementation of the Shark Finning Prohibition Act [Docket No. 010612153-2015-02; I.D. 041901A] (RIN: 0648-AP21) received May 2, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7026. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Northeastern United States; Atlantic Herring Fishery; Total Al-

lowable Catch Harvested for Management Area 1A [Docket No. 01022004343-1132-1132; I.D. 103101A] received April 30, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7027. A letter from the Attorney-Advisor, Department of Transportation, transmitting the Department's final rule—Reporting Prohibited Communications [Docket No. OST-02-12200] (RIN: 2110-AD10) received May 9, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7028. A letter from the Assistant Administrator, Office of Oceanic and Atmospheric Research, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—NOAA Climate and Global Change Program, Announcement; Global Carbon Cycle Element, FY 2002 [Docket No. 000616180-2002-04] (RIN: 0648-ZA91) received May 3, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

7029. A letter from the Acting Director, Office of Regulatory Law, Department of Veterans' Affairs, transmitting the Department's final rule—Copayments for Inpatient Hospital Care and Outpatient Medical Care (RIN: 2900-AK50) received May 2, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

7030. A letter from the Chief, Regulations Branch, Department of the Treasury, transmitting the Department's final rule—New User Fee Airport [T.D. 02-27] received May 16, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7031. A letter from the Chief, Regulations Branch, Department of the Treasury, transmitting the Department's final rule—Amended Procedure for Refunds of Harbor Maintenance Fees Paid on Exports of Merchandise [T.D. 02-24] (RIN: 1515-AC82) received May 8, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7032. A letter from the Chief, Regulations Division, Bureau of Alcohol, Tobacco and Firearms, Department of the Treasury, transmitting the Department's final rule—Removal of Tobacco Products and Cigarette Papers and Tubes, Without Payment of Tax for Use of the United States; Recodification of Regulations [T.D. ATF-489] (RIN: 1512-AC42) received May 9, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7033. A letter from the Administrator, Office of Workforce Security, Department of Labor, transmitting the Department's final rule—Training and Employment Guidance Letter No. 18-01—received May 16, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7034. A letter from the Under Secretary, Department of Defense, transmitting a report on the Defense Environmental Restoration Program for Fiscal Year 2001, pursuant to 10 U.S.C. 2706(a)(1); jointly to the Committees on Armed Services and Energy and Commerce.

7035. A letter from the Director, Office of Management and Budget, transmitting the Office's report on terrorism response funding that fulfills the requirement in division C, section 103 of Pub. L. 107-117, the Department of Defense and Emergency Supplemental Appropriations Act of 2002; jointly to the Committees on the Budget and Appropriations.

7036. A letter from the Acting General Counsel, Department of Defense, transmitting the Department's proposed legislation relating to the management and operations of the Department; jointly to the Committees on Armed Services, Education and the Workforce, the Judiciary, Government Reform, and Financial Services.



## PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. PAUL:

H.R. 4789. A bill to amend the Internal Revenue Code of 1986 to repeal the 1993 increase in taxes on Social Security benefits; to the Committee on Ways and Means.

By Mr. PAUL:

H.R. 4790. A bill to amend the Internal Revenue Code of 1986 to repeal the inclusion in gross income of Social Security benefits; to the Committee on Ways and Means.

By Mr. EHLERS (for himself and Mr. ETHERIDGE):

H.R. 4791. A bill to authorize appropriations for the United States Weather Research Program, and for other purposes; to the Committee on Science.

By Mr. HORN (for himself, Mr. CALVERT, Mr. REYES, Ms. ROYBAL-ALLARD, Mrs. DAVIS of California, Mr. UNDERWOOD, Mr. HUNTER, Mr. MCGOVERN, Mr. FILNER, Mr. ROHRABACHER, Mrs. NAPOLITANO, Mrs. THURMAN, Ms. SOLIS, and Ms. MILLENDER-MCDONALD):

H.R. 4792. A bill to reauthorize funding for the Water Desalination Act of 1996, and for other purposes; to the Committee on Resources, and in addition to the Committee on Science, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. JOHN (for himself and Mr. TAUZIN):

H.R. 4793. A bill to authorize grants through the Centers for Disease Control and Prevention for mosquito control programs to prevent mosquito-borne diseases; to the Committee on Energy and Commerce.

By Mr. ISSA (for himself, Mr. BACA, Mr. BERMAN, Mrs. BONO, Mr. CALVERT, Mrs. CAPPS, Mr. CONDIT, Mr. COX, Mr. CUNNINGHAM, Mrs. DAVIS of California, Mr. DOOLEY of California, Mr. DOOLITTLE, Mr. DREIER, Ms. ESHOO, Mr. FARR of California, Mr. FILNER, Mr. GALLEGLY, Ms. HARMAN, Mr. HERGER, Mr. HONDA, Mr. HORN, Mr. HUNTER, Mr. LANTOS, Ms. LEE, Mr. LEWIS of California, Ms. LOFGREN, Mr. MATSUI, Mr. MCKEON, Ms. MILLENDER-MCDONALD, Mr. GARY G. MILLER of California, Mr. GEORGE MILLER of California, Mrs. NAPOLITANO, Mr. OSE, Ms. PELOSI, Mr. POMBO, Mr. RADANOVICH, Mr. ROHRABACHER, Ms. ROYBAL-ALLARD, Mr. ROYCE, Ms. SANCHEZ, Mr. SCHIFF, Mr. SHERMAN, Mrs. TAUSCHER, Mr. THOMPSON of California, Ms. WATERS, Ms. WATSON, Mr. WAXMAN, Ms. WOOLSEY, Mr. BECERRA, Ms. SOLIS, Mr. STARK, and Mr. THOMAS):

H.R. 4794. A bill to designate the facility of the United States Postal Service located at 1895 Avenida Del Oro in Oceanside, California, as the "Ronald C. Packard Post Office Building"; to the Committee on Government Reform.

By Mr. MCINNIS (for himself, Mr. GREEN of Wisconsin, and Mr. RYAN of Wisconsin):

H.R. 4795. A bill to provide for a multi-agency cooperative effort to encourage further research regarding the causes of chronic wasting disease and methods to control the further spread of the disease in deer and elk herds, to monitor the incidence of the disease, to support State efforts to control the disease, and for other purposes; to the Committee on Resources, and in addition to the Committee on Agriculture, for a period to be

subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GREEN of Texas (for himself, Mr. BENTSEN, Ms. JACKSON-LEE of Texas, Mr. PAUL, Mr. BECERRA, Mr. SANDERS, Mr. FROST, Mr. SHIMKUS, Mr. LATOURETTE, Mr. BRADY of Texas, Mr. BONIOR, Mr. DOGGETT, Mr. EDWARDS, Mr. GONZALEZ, Mr. TURNER, Mr. BACA, Mr. HALL of Texas, Mr. SANDLIN, Mr. CONDIT, Mr. WELDON of Pennsylvania, and Mr. ORTIZ):

H.R. 4796. A bill to amend the Internal Revenue Code of 1986 to make inapplicable the 10 percent additional tax on early distributions from certain pension plans of public safety employees; to the Committee on Ways and Means.

By Mr. BECERRA (for himself, Mr. HASTINGS of Florida, Ms. WATSON, Mr. DAVIS of Illinois, Mr. FROST, Mr. OWENS, Mrs. DAVIS of California, Mr. BERMAN, Mr. McNULTY, Mr. MATSUI, Mr. HONDA, Ms. SOLIS, Mr. STARK, Ms. SANCHEZ, Ms. LOFGREN, Ms. MILLENDER-MCDONALD, Mr. BACA, Ms. ROYBAL-ALLARD, Mr. HINOJOSA, Mrs. NAPOLITANO, Mrs. CAPPS, Ms. LEE, Mr. SPRATT, Mr. WATT of North Carolina, Ms. PELOSI, Mr. PASTOR, Ms. CARSON of Indiana, Mr. HORN, Mr. HERGER, Mr. OSE, Mr. POMBO, Mr. GALLEGLY, Mr. ROYCE, Mr. LEWIS of California, Mr. GARY G. MILLER of California, Mr. CUNNINGHAM, Ms. WOOLSEY, Mr. FARR of California, Mr. SHERMAN, Mr. SCHIFF, Mr. WAXMAN, Ms. WATERS, Ms. HARMAN, Mrs. MEEK of Florida, Mr. CONYERS, Mr. CONDIT, Mrs. BONO, Mr. ROHRABACHER, Mr. THOMPSON of California, Ms. ESHOO, Mr. DOOLITTLE, Mr. DREIER, Mr. MCKEON, Mr. LANTOS, Mr. CALVERT, Mrs. TAUSCHER, Mr. GEORGE MILLER of California, Mr. THOMAS, Mr. COX, Mr. ISSA, Mr. HUNTER, Mr. DOOLEY of California, Mrs. MINK of Hawaii, Mr. INSLEE, Mr. RADANOVICH, and Mr. FILNER):

H.R. 4797. A bill to redesignate the facility of the United States Postal Service located at 265 South Western Avenue, Los Angeles, California, as the "Nat King Cole Post Office"; to the Committee on Government Reform.

By Mr. BERRY (for himself, Mr. BACA, Mr. CARSON of Oklahoma, Mr. SANDLIN, Mr. SCHIFF, Mrs. TAUSCHER, and Mr. TAYLOR of Mississippi):

H.R. 4798. A bill to amend title 38, United States Code, to provide an increase in the maximum annual rates of pension payable to surviving spouses of veterans of a period of war, and for other purposes; to the Committee on Veterans' Affairs, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BONIOR (for himself, Mr. GEPHARDT, Ms. PELOSI, Mr. GEORGE MILLER of California, Mr. OWENS, Mr. FROST, Ms. DELAUNO, Mr. MENENDEZ, Mr. DINGELL, Mrs. CLAYTON, Mr. FRANK, Mr. GREEN of Texas, Mr. LANGEVIN, Mr. McNULTY, Ms. MILLENDER-MCDONALD, Mr. PAYNE, Ms. RIVERS, and Ms. SANCHEZ):

H.R. 4799. A bill to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage; to the Committee on Education and the Workforce.

By Mr. CAMP:

H.R. 4800. A bill to repeal the sunset of the Economic Growth and Tax Relief Reconcili-

ation Act of 2001 with respect to the expansion of the adoption credit and adoption assistance programs; to the Committee on Ways and Means.

By Mr. CHABOT:

H.R. 4801. A bill to amend the Internal Revenue Code of 1986 to provide a 100 percent deduction for the health insurance costs of individuals; to the Committee on Ways and Means.

By Mrs. CUBIN:

H.R. 4802. A bill to amend the Surface Mining Control and Reclamation Act of 1977 to increase the incentives for States and Indian tribes to achieve reclamation priorities under that Act with respect to coal mining, and for other purposes; to the Committee on Resources.

By Ms. DELAUNO (for herself, Mr. ALLEN, Ms. BALDWIN, Mr. FORD, Mr. PRICE of North Carolina, and Mr. SAWYER):

H.R. 4803. A bill to amend the National and Community Service Act of 1990 to create the Right of Passage Community Service Program; to the Committee on Education and the Workforce.

By Mr. DEMINT (for himself and Mr. PHELPS):

H.R. 4804. A bill to amend the Internal Revenue Code of 1986 to provide additional choice regarding unused health benefits in cafeteria plans and flexible spending arrangements; to the Committee on Ways and Means.

By Mr. DOOLEY of California (for himself and Mr. RADANOVICH):

H.R. 4805. A bill to allow certain inter-agency task forces established by the President to designate certain areas as HUBZones for purposes of the Small Business Act; to the Committee on Small Business.

By Mr. FILNER (for himself, Mr. CUNNINGHAM, Mrs. DAVIS of California, and Mr. ISSA):

H.R. 4806. A bill to direct the Secretary of Veterans Affairs to establish two satellite national cemeteries for veterans in the San Diego, California, metropolitan area; to the Committee on Veterans' Affairs.

By Mr. GILCHREST:

H.R. 4807. A bill to authorize the Secretary of the Interior to acquire the property in Cecil County, Maryland, known as Garrett Island for inclusion in the Susquehanna National Wildlife Refuge; to the Committee on Resources.

By Mr. HERGER (for himself and Mr. DOOLITTLE):

H.R. 4808. A bill to amend the Wild and Scenic Rivers Act to ensure congressional involvement in the process by which rivers that are designated as wild, scenic, or recreational rivers by an act of the legislature of the State or States through which they flow may be included in the national wild and scenic rivers system, and for other purposes; to the Committee on Resources.

By Mr. HOYER (for himself and Mr. TOM DAVIS of Virginia):

H.R. 4809. A bill to repeal the limitation on locality-based comparability adjustments affecting the United States Secret Service Uniformed Division and the United States Park Police; to the Committee on Government Reform.

By Mr. SAM JOHNSON of Texas (for himself, Mr. MATSUI, Mr. RAMSTAD, Mrs. THURMAN, Mr. ENGLISH, and Mr. BECERRA):

H.R. 4810. A bill to amend the Internal Revenue Code of 1986 to apply the look-thru rules for purposes of the foreign tax credit limitation to dividends from foreign corporations not controlled by a domestic corporation; to the Committee on Ways and Means.

By Mr. KELLER (for himself, Mr. DAVIS of Florida, Mr. JONES of North

Carolina, Mr. SAXTON, Mr. DUNCAN, Mr. DAN MILLER of Florida, Mr. WELDON of Florida, Mr. PETRI, Mr. SHAW, Mr. FROST, Mr. FOLEY, and Mr. ANDREWS):

H.R. 4811. A bill to amend the Longshore and Harbor Workers' Compensation Act to clarify the exemption for recreational vessel support employees, and for other purposes; to the Committee on Education and the Workforce.

By Mr. KUCINICH (for himself, Mr. SANDERS, Ms. MCKINNEY, Mr. PALLONE, Mrs. MINK of Hawaii, Ms. CARSON of Indiana, Mr. DEFAZIO, Mr. GUTIERREZ, Mr. NADLER, Mr. OLVER, Mr. UDALL of New Mexico, Ms. VELAZQUEZ, Ms. WATERS, Ms. WOOLSEY, Mr. JACKSON of Illinois, Ms. WATSON, Mr. RODRIGUEZ, Ms. BERKLEY, Mr. OWENS, Ms. SOLIS, Mr. HINCHEY, and Ms. LEE):

H.R. 4812. A bill to provide additional protections for farmers and ranchers that may be harmed economically by genetically engineered seeds, plants, or animals, to ensure fairness for farmers and ranchers in their dealings with biotech companies that sell genetically engineered seeds, plants, or animals, and for other purposes; to the Committee on Agriculture.

By Mr. KUCINICH (for himself, Mr. SANDERS, Ms. MCKINNEY, Ms. RIVERS, Mr. PALLONE, Mrs. MINK of Hawaii, Ms. CARSON of Indiana, Mr. DEFAZIO, Mr. GUTIERREZ, Mr. NADLER, Mr. OLVER, Mr. UDALL of New Mexico, Ms. VELAZQUEZ, Ms. WATERS, Ms. WOOLSEY, Mr. JACKSON of Illinois, Ms. WATSON, Mr. RODRIGUEZ, Ms. BERKLEY, Mr. OWENS, Ms. SOLIS, Mr. GEORGE MILLER of California, Mr. HINCHEY, and Ms. LEE):

H.R. 4813. A bill to amend the Federal Food, Drug, and Cosmetic Act with respect to the safety of genetically engineered foods, and for other purposes; to the Committee on Energy and Commerce.

By Mr. KUCINICH (for himself, Mr. SANDERS, Ms. MCKINNEY, Ms. RIVERS, Mr. PALLONE, Mrs. MINK of Hawaii, Ms. CARSON of Indiana, Mr. DEFAZIO, Mr. GUTIERREZ, Mr. NADLER, Mr. OLVER, Mr. UDALL of New Mexico, Ms. VELAZQUEZ, Ms. WATERS, Ms. WOOLSEY, Mr. JACKSON of Illinois, Ms. WATSON, Mr. RODRIGUEZ, Ms. BERKLEY, Mr. OWENS, Ms. SOLIS, Mr. GEORGE MILLER of California, Mr. HINCHEY, and Ms. LEE):

H.R. 4814. A bill to amend the Federal Food, Drug, and Cosmetic Act, the Federal Meat Inspection Act, and the Poultry Products Inspection Act to require that food that contains a genetically engineered material, or that is produced with a genetically engineered material, be labeled accordingly; to the Committee on Agriculture, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KUCINICH (for himself, Mr. SANDERS, Ms. MCKINNEY, Ms. RIVERS, Mr. PALLONE, Mrs. MINK of Hawaii, Ms. CARSON of Indiana, Mr. DEFAZIO, Mr. GUTIERREZ, Mr. NADLER, Mr. OLVER, Mr. UDALL of New Mexico, Ms. VELAZQUEZ, Ms. WATERS, Ms. WOOLSEY, Mr. JACKSON of Illinois, Ms. WATSON, Mr. RODRIGUEZ, Ms. BERKLEY, Mr. OWENS, Ms. SOLIS, and Ms. LEE):

H.R. 4815. A bill to ensure that efforts to address world hunger through the use of genetically engineered animals and crops actually help developing countries and peoples

while protecting human health and the environment, and for other purposes; to the Committee on International Relations, and in addition to the Committees on Ways and Means, Financial Services, and Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KUCINICH (for himself, Mr. SANDERS, Ms. MCKINNEY, Mr. PALLONE, Mrs. MINK of Hawaii, Ms. CARSON of Indiana, Mr. DEFAZIO, Mr. GUTIERREZ, Mr. NADLER, Mr. OLVER, Mr. UDALL of New Mexico, Ms. VELAZQUEZ, Ms. WATERS, Ms. WOOLSEY, Mr. JACKSON of Illinois, Ms. WATSON, Mr. RODRIGUEZ, Ms. BERKLEY, Mr. OWENS, Ms. SOLIS, and Ms. LEE):

H.R. 4816. A bill to assign liability for injury caused by genetically engineered organisms; to the Committee on the Judiciary, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LAFALCE (for himself and Mr. FRANK):

H.R. 4817. A bill to improve the quality of, and provide, housing for elderly families; to the Committee on Financial Services.

By Mr. LAFALCE:

H.R. 4818. A bill to amend the Real Estate Settlement Procedures Act of 1974 and the Truth in Lending Act to make the residential mortgage process more understandable, fair, and competitive; to the Committee on Financial Services.

By Mr. MCINNIS:

H.R. 4819. A bill to revise the boundary of the Black Canyon of the Gunnison National Park and Gunnison Gorge National Conservation Area in the State of Colorado, and for other purposes; to the Committee on Resources.

By Ms. NORTON:

H.R. 4820. A bill to amend the Internal Revenue Code of 1986 to increase the taxes on certain alcoholic beverages and to provide additional funds for alcohol abuse prevention programs; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PALLONE (for himself, Mr. GEPHARDT, Mr. STARK, Mr. WYNN, Mr. SANDERS, Mr. LANGEVIN, Mr. BERRY, Mr. STRICKLAND, Mr. WEXLER, Ms. DELAURO, Mr. RODRIGUEZ, Mr. ALLEN, and Mr. BROWN of Ohio):

H.R. 4821. A bill to amend the Internal Revenue Code of 1986 to limit the deduction for advertising of FDA approved prescription drugs by the manufacturer of such drugs to the level of such manufacturer's research and development expenditures, and for other purposes; to the Committee on Ways and Means.

By Mr. REHBERG:

H.R. 4822. A bill to clarify that the Upper Missouri River Breaks National Monument does not include within its boundaries any privately owned property, and for other purposes; to the Committee on Resources.

By Mr. SHAW:

H.R. 4823. A bill to repeal the sunset of the Economic Growth and Tax Relief Reconciliation Act of 2001 with respect to the exclusion from Federal income tax for restitution received by victims of the Nazi Regime; to the Committee on Ways and Means.

By Mr. TOWNS:

H.R. 4824. A bill to provide for various programs and activities to respond to the problem of asthma in urban areas; to the Committee on Energy and Commerce.

By Mr. UNDERWOOD (for himself, Mr. HONDA, Ms. LEE, Mrs. MINK of Hawaii, Mr. FALEOMAVAEGA, Mr. ABERCROMBIE, Ms. WATSON, Ms. WOOLSEY, Ms. PELOSI, Mr. HINCHEY, Mr. LARSON of Connecticut, Ms. ESHOO, Mr. SERRANO, Mr. WU, Ms. SOLIS, Mr. MCDERMOTT, Mr. SCHIFF, Ms. LOFGREN, and Ms. MILLENDER-MCDONALD):

H.R. 4825. A bill to amend the Higher Education Act of 1965 to authorize grants for institutions of higher education serving Asian Americans and Pacific Islanders; to the Committee on Education and the Workforce.

By Mr. WALDEN of Oregon (for himself, Mr. JOHN, Mr. DEFAZIO, and Mrs. BONO):

H.R. 4826. A bill to amend the Federal Power Act to prohibit round trip sales of electric power, and for other purposes; to the Committee on Energy and Commerce.

By Mr. WALDEN of Oregon (for himself, Mr. JOHN, Mr. DEFAZIO, and Mrs. BONO):

H.R. 4827. A bill to amend the Securities Exchange Act of 1934 to prohibit the fraudulent recording of revenue from round trip sales of electric power; to the Committee on Financial Services.

By Mr. WATKINS:

H.R. 4828. A bill to amend the Internal Revenue Code of 1986 to provide for proration of the heavy vehicle use tax between purchasers of the same vehicle; to the Committee on Ways and Means.

By Mr. CAPUANO (for himself, Mr. DELAHUNT, Mr. MARKEY, Mr. OLVER, Mr. MEEHAN, Mr. LYNCH, Mr. NEAL of Massachusetts, Mr. MCGOVERN, Mr. FRANK, and Mr. TIERNEY):

H.J. Res. 94. A joint resolution honoring the members of the Massachusetts Air National Guard's 102nd Fighter Wing for their extraordinary performance, leadership, and dedication to duty in support of Operation Noble Eagle and in providing combat air patrols during and immediately following the terrorist attacks on the Nation on September 11, 2001; to the Committee on Armed Services.

By Mr. GILCHREST:

H. Con. Res. 408. Concurrent resolution honoring the American Zoo and Aquarium Association and its accredited member institutions for their continued service to animal welfare, conservation education, conservation research, and wildlife conservation programs; to the Committee on Resources, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BONILLA (for himself, Mr. STENHOLM, Mrs. CAPITO, Mr. CHAMBLISS, Mr. EDWARDS, Mr. GEKAS, Mr. HAYES, Mr. KENNEDY of Minnesota, Mr. MURTHA, Mr. ORTIZ, Mr. PICKERING, Mr. THUNE, Mr. WATTS of Oklahoma, and Mr. SMITH of Texas):

H. Res. 429. A resolution expressing the sense of the House of Representatives that a commemorative postage stamp should be issued each year in honor of Veterans Day; to the Committee on Government Reform.

## MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

263. The SPEAKER presented a memorial of the House of Representatives of the State

of New Hampshire, relative to House Resolution 21 memorializing the President of the United States and the United States Congress to take all actions necessary, within the limits of the considerable technologies prowess of this great union, to protect our nation, our allies, and our armed forces abroad from the threat of missile attack; to the Committee on Armed Services.

264. Also, a memorial of the Legislature of the State of Idaho, relative to Senate Joint Memorial 112 memorializing the United States Congress that the Legislature calls for United States congressional action in establishing a backstop to insure stability in the insurance marketplace and affordable availability of insurance covering terrorist activities; to the Committee on Financial Services.

265. Also, a memorial of the Legislature of the State of Idaho, relative to Senate Joint Memorial 114 memorializing the United States Congress that the state of Idaho calls for an immediate cessation of all violence occurring in and near the Basque homeland, and that a peace process be immediately undertaken between the governments of Spain and France, the Basque Autonomous Government, and other groups committed to peace; to the Committee on International Relations.

266. Also, a memorial of the Legislature of the State of Idaho, relative to Senate Joint Memorial 110 memorializing the United States Congress to authorize an additional United States District Court Judge and commensurate staff for the District of Idaho to assist in handling current and anticipated caseloads in the District of Idaho; to the Committee on the Judiciary.

#### PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. COYNE introduced A bill (H.R. 4829) for the relief of Olivera Goronja; which was referred to the Committee on the Judiciary.

#### ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 13: Mr. FORD, Mr. LARSEN of Washington, and Mr. MCINTYRE.  
H.R. 21: Mr. GREEN of Texas.  
H.R. 122: Mr. JOHNSON of Illinois, Mr. THUNE, and Mr. HAYES.  
H.R. 270: Mr. OWENS.  
H.R. 317: Ms. BERKLEY.  
H.R. 488: Mr. UDALL of New Mexico.  
H.R. 595: Mr. MCDERMOTT.  
H.R. 600: Mr. STENHOLM and Mr. WEXLER.  
H.R. 638: Mr. PASTOR.  
H.R. 945: Mr. HASTINGS of Florida.  
H.R. 984: Mr. HOEKSTRA and Mr. ROHRBACHER.  
H.R. 985: Mr. HOEKSTRA.  
H.R. 986: Mr. LAHOOD.  
H.R. 1089: Mr. GRUCCI.  
H.R. 1090: Mr. DEUTSCH, Mr. FORD, Mr. LEWIS of Kentucky, Mr. RODRIGUEZ, Mr. HALL of Texas, and Mr. BENTSEN.  
H.R. 1116: Mr. SHERMAN.  
H.R. 1168: Mr. PASCRELL.  
H.R. 1193: Mr. CONYERS, Mr. HILLIARD, Ms. MILLENDER-MCDONALD, Mr. RUSH, Mr. TOWNS, and Mr. SCOTT.  
H.R. 1200: Mr. DAVIS of Illinois.  
H.R. 1212: Mr. SHOWS.  
H.R. 1232: Mrs. MALONEY of New York.  
H.R. 1310: Mr. BARCIA.  
H.R. 1375: Mr. DEAL of Georgia.  
H.R. 1433: Mr. KENNEDY of Rhode Island.

H.R. 1434: Mr. HOEKSTRA and Mr. POMEROY.  
H.R. 1460: Mr. PLATTES.  
H.R. 1490: Ms. MCCOLLUM.  
H.R. 1494: Mr. MALONEY of Connecticut.  
H.R. 1520: Mr. HORN.  
H.R. 1604: Mr. KILDEE.  
H.R. 1609: Mr. MCINNIS and Mr. WATT of North Carolina.  
H.R. 1624: Mr. CLYBURN, Mr. SANDERS, Mr. SHAYS, Mr. MENENDEZ, Mr. PENCE, and Mr. GREEN of Wisconsin.  
H.R. 1650: Ms. MILLENDER-MCDONALD.  
H.R. 1701: Mr. DEAL of Georgia, Mr. GOODE, Mr. VITTER, and Mr. BARTON of Texas.  
H.R. 1724: Mr. FRANK.  
H.R. 1822: Mr. ROTHMAN.  
H.R. 1862: Mr. DUNCAN, Mrs. CHRISTENSEN, Ms. NORTON, and Mr. UDALL of New Mexico.  
H.R. 1863: Mr. HOEKSTRA.  
H.R. 1864: Mr. HOEKSTRA.  
H.R. 2014: Mr. LATOURETTE, Mr. DOOLITTLE, and Mr. RAMSTAD.  
H.R. 2058: Mr. DAVIS of Illinois.  
H.R. 2071: Mr. FROST and Ms. MCKINNEY.  
H.R. 2125: Mr. BLUMENAUER, Mr. RODRIGUEZ, Mr. SCHIFF, Mr. ROGERS of Kentucky, Mr. MCDERMOTT, Mr. WALDEN of Oregon, Mr. WHITFIELD, Mr. MCHUGH, Mr. BARCIA, and Mr. LUCAS of Oklahoma.  
H.R. 2145: Ms. CARSON of Indiana, Ms. SCHAKOWSKY, Mr. BALDACCIO, Ms. NORTON, Mr. BOUCHER, Mr. OXLEY, and Mr. LAMPSON.  
H.R. 2219: Mr. HOEKSTRA and Mr. BOEHLERT.  
H.R. 2220: Mr. FILNER.  
H.R. 2282: Mr. PAYNE, Ms. WOOLSEY, Mrs. MEEK of Florida, Mr. TIERNEY, and Mr. BERMAN.  
H.R. 2335: Mr. KIND.  
H.R. 2411: Mr. HINCHEY.  
H.R. 2484: Mr. HOUGHTON, Mr. MCINTYRE, and Mr. KING.  
H.R. 2486: Mr. EHLERS.  
H.R. 2605: Mr. LANTOS.  
H.R. 2618: Mr. FOLEY and Mr. CAMP.  
H.R. 2621: Mr. SMITH of Michigan, Mr. PITTS, Mr. SCHAFFER, Mr. JONES of North Carolina, Mr. PENCE, Mr. HOSTETTLER, Mr. BARTLETT of Maryland, Mr. TANCREDI, Mr. SAM JOHNSON of Texas, Mr. WELDON of Florida, Mr. ADERHOLT, Mr. HILLEARY, Mr. DOOLITTLE, Mr. HERGER, Mr. SHADEGG, Mr. AKIN, Mr. SANDERS, Mr. KUCINICH, Mr. WU, Mr. DAVIS of Illinois, Ms. MCCARTHY of Missouri, and Mr. TOWNS.  
H.R. 2637: Mr. PHELPS.  
H.R. 2661: Mr. LIPINSKI.  
H.R. 2683: Mrs. THURMAN.  
H.R. 2735: Mr. BARTLETT of Maryland.  
H.R. 2799: Mr. DAVIS of Illinois.  
H.R. 2820: Mrs. CAPPS.  
H.R. 2863: Mr. MCGOVERN.  
H.R. 2868: Mr. ABERCROMBIE.  
H.R. 2950: Mr. DINGELL.  
H.R. 2953: Mr. WALDEN of Oregon.  
H.R. 3053: Mrs. TAUSCHER, Ms. DEGETTE, Mr. DAVIS of Illinois, Mr. DAVIS of Florida, Ms. DELAURO, Ms. CARSON of Indiana, and Ms. LOFGREN.  
H.R. 3130: Mr. EHLERS, Ms. WOOLSEY, Mr. BACA, Mr. ETHERIDGE, Mr. CALVERT, and Mr. SHAYS.  
H.R. 3131: Mr. TOWNS.  
H.R. 3238: Mr. HOLT.  
H.R. 3278: Mr. COYNE.  
H.R. 3296: Ms. WATSON.  
H.R. 3320: Mr. JENKINS.  
H.R. 3332: Mr. SANDERS.  
H.R. 3333: Mr. WILSON of South Carolina.  
H.R. 3335: Mr. HOLDEN.  
H.R. 3337: Ms. HOOLEY of Oregon, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. BRADY of Texas, Mr. CLEMENT, Mr. ABERCROMBIE, Mr. WOLF, Mr. PETERSON of Minnesota, Mr. NETHERCUTT, Mr. OBERSTAR, Mr. SHOWS, Mr. BLUMENAUER, and Mr. HINCHEY.  
H.R. 3360: Mr. SANDERS.  
H.R. 3363: Mr. SHERMAN and Mr. PETERSON of Minnesota.

H.R. 3397: Mr. CHAMBLISS.  
H.R. 3413: Mr. SERRANO and Mr. MENENDEZ.  
H.R. 3414: Mr. MCDERMOTT, Mr. GEORGE MILLER of California, and Mr. MARKEY.  
H.R. 3424: Mrs. DAVIS of California.  
H.R. 3430: Mr. HINCHEY.  
H.R. 3431: Mr. LOBIONDO, Mr. HASTINGS of Florida, Mr. LAMPSON, Mr. KIRK, and Mr. PUTNAM.  
H.R. 3462: Mr. BONIOR, Mr. KILDEE, and Mr. KANJORSKI.  
H.R. 3670: Mrs. MALONEY of New York, Mr. ISRAEL, Mr. LARSON of Connecticut, Mr. MEEKS of New York, and Mr. CLEMENT.  
H.R. 3695: Ms. MCCARTHY of Missouri and Mr. MATSUI.  
H.R. 3719: Ms. MILLENDER-MCDONALD and Mr. THOMPSON of California.  
H.R. 3770: Mr. SCHIFF.  
H.R. 3794: Mr. BENTSEN and Mr. SHERMAN.  
H.R. 3808: Mr. GIBBONS.  
H.R. 3834: Mr. LUTHER.  
H.R. 3842: Mr. ROHRBACHER and Mr. PASCRELL.  
H.R. 3884: Mr. BLUMENAUER, Mr. BALDACCIO, Ms. MCCARTHY of Missouri, Mr. KANJORSKI, Mr. HOLT, Mr. HINCHEY, Mr. OBERSTAR, Mr. PAYNE, Mr. RUSH, Mr. SCOTT, Mr. SHOWS, and Mr. STRICKLAND.  
H.R. 3887: Mr. WYNN, Mr. PASCRELL, Mr. SANDERS, Ms. MCKINNEY, Mr. BERMAN, and Mr. SHAYS.  
H.R. 3897: Mr. ISTOOK, Mr. HOLDEN, and Mr. BISHOP.  
H.R. 3915: Mr. WAXMAN.  
H.R. 3916: Ms. MCCARTHY of Missouri, Mr. UDALL of New Mexico, Mr. BERMAN, and Mr. EDWARDS.  
H.R. 3961: Mr. KIND, Mr. DAVIS of Illinois, Mr. BERMAN, and Ms. LOFGREN.  
H.R. 3962: Mrs. CUBIN, Mr. STUMP, and Mr. TAYLOR of North Carolina.  
H.R. 3973: Mr. LEWIS of Georgia and Mr. GONZALEZ.  
H.R. 3974: Mr. BONIOR.  
H.R. 3976: Ms. WOOLSEY.  
H.R. 3995: Mr. GILLMOR.  
H.R. 4003: Mr. BLUMENAUER.  
H.R. 4037: Ms. LOFGREN.  
H.R. 4039: Mr. SMITH of Washington.  
H.R. 4043: Mr. TANCREDI, Mrs. ROUKEMA, and Mr. KERNS.  
H.R. 4066: Mr. RODRIGUEZ, Mrs. CHRISTENSEN, Ms. HOOLEY of Oregon, Mr. LOBIONDO, Mr. HILLIARD, Mr. LAFALCE, and Ms. SOLIS.  
H.R. 4070: Mr. SCHAFFER and Mr. BARCIA.  
H.R. 4254: Mr. WATT of North Carolina.  
H.R. 4373: Ms. CARSON of Indiana.  
H.R. 4481: Mr. MEEKS of New York.  
H.R. 4483: Mr. ANDREWS and Mr. PALLONE.  
H.R. 4555: Ms. ROS-LEHTINEN.  
H.R. 4561: Ms. RIVERS, Ms. SCHAKOWSKY, Mr. DAVIS of Illinois, and Mr. HALL of Ohio.  
H.R. 4582: Mr. LANTOS.  
H.R. 4596: Mr. LANTOS.  
H.R. 4598: Mr. GIBBONS and Mr. SCHIFF.  
H.R. 4600: Mr. UPTON, Mr. ROGERS of Michigan, Mr. SHAW, Mr. SCHAFFER, Mr. STEARNS, Mr. CRANE, and Mr. LATOURETTE.  
H.R. 4606: Mr. CARSON of Oklahoma and Mr. SCHIFF.  
H.R. 4623: Mr. SULLIVAN, Mr. GORDON, Mr. KENNEDY of Minnesota, Mr. PHELPS, Mr. VITTER, Mr. COBLE, Mr. STENHOLM, Mr. RILEY, Mr. GEKAS, Mr. RYUN of Kansas, Mr. PICKERING, Mr. FROST, Mr. CUNNINGHAM, Ms. CARSON of Indiana, Mr. SHUSTER, Mr. BROWN of South Carolina, Mr. SESSIONS, Mr. ISTOOK, Mr. BARTLETT of Maryland, and Mr. MATHE-SON.  
H.R. 4635: Mr. JEFF MILLER of Florida, Mr. CANTOR, Mr. BARTON of Texas, Mr. HILLEARY, and Mr. COOKSEY.  
H.R. 4639: Mr. SANDERS and Mr. KANJORSKI.  
H.R. 4645: Mr. CONDIT, Mr. JOHN, Mr. SANDLIN, Mr. PETERSON of Minnesota, Mr. HALL of Texas, Mr. MCDERMOTT, Mr. LARSEN

of Washington, Mr. MATHESON, Mr. CRAMER, and Mr. CLEMENT.

H.R. 4649: Mr. DIAZ-BALART.

H.R. 4653: Mr. TOM DAVIS of Virginia, Mr. HOBSON, and Mrs. JO ANN DAVIS of Virginia.

H.R. 4654: Mr. MCHUGH and Mr. BONIOR.

H.R. 4655: Ms. LEE, Mr. OWENS, Mr. WAXMAN, Mr. BROWN of Ohio, Ms. SCHAKOWSKY, Ms. CARSON of Indiana, Ms. MILLENDER-MCDONALD, Ms. WATSON, Ms. KILPATRICK, and Ms. WATERS.

H.R. 4660: Ms. ESHOO, Mr. SESSIONS, and Mr. REYES.

H.R. 4664: Mr. JOHNSON of Illinois and Ms. WOOLSEY.

H.R. 4665: Mr. ENGEL.

H.R. 4676: Ms. HOOLEY of Oregon, Mr. HEFLEY, Mr. ENGLISH, and Ms. ROSLEHTINEN.

H.R. 4691: Mr. HUNTER, Mr. GOODE, Mr. GREEN of Wisconsin, Mr. CHAMBLISS, Mr. ROGERS of Michigan, Ms. HART, Mr. SHIMKUS and Mr. BARR of Georgia.

H.R. 4709: Mr. FROST.

H.R. 4728: Ms. ROS-LEHTINEN and Mr. CANTOR.

H.R. 4740: Mr. KLECZKA, Ms. BALDWIN, and Mr. SENSENBRENNER.

H.R. 4742: Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 4754: Mr. MATHESON and Mr. STENHOLM.

H.R. 4757: Mr. GONZALEZ.

H.R. 4778: Mr. HASTINGS of Florida, Mr. BRADY of Pennsylvania, Mr. BONIOR, Mr. SERRANO, Mr. BENTSEN, and Mr. PAYNE.

H.J. Res. 90: Mr. FROST.

H. Con. Res. 180: Mr. ISRAEL.

H. Con. Res. 213: Mr. BONIOR.

H. Con. Res. 301: Mr. MURTHA.

H. Con. Res. 317: Mr. CRAMER.

H. Con. Res. 359: Mr. GEKAS.

H. Con. Res. 362: Mr. DOYLE, Mr. FOLEY, Mr. GIBBONS, Mr. MCGOVERN, Ms. ROSLEHTINEN, Mrs. ROUKEMA, and Mr. SMITH of New Jersey.

H. Con. Res. 385: Mr. MALONEY of Connecticut, Mr. LANTOS, Ms. SOLIS, Ms. KILPATRICK, Mr. HONDA, Mr. BRADY of Pennsylvania, Ms. MCCOLLUM, Mr. WU, Mr. ROSS, Mr. WEXLER, Mr. CARSON of Oklahoma, and Mr. HOEFFEL.

H. Con. Res. 394: Mr. WU.

H. Con. Res. 401: Mr. CLEMENT, Mr. COOKSEY, Mr. LANTOS, Mrs. THURMAN, Mr. FRANK, Mr. WOLF, Mr. McNULTY, Mr. GREEN of Texas, Mr. FILNER, Mr. GARY G. MILLER of California, and Mr. TOM DAVIS of Virginia.

H. Con. Res. 404: Mr. WEXLER.

H. Con. Res. 406: Mr. GREEN of Wisconsin.

H. Res. 105: Mr. STARK and Mr. GREEN of Texas.

H. Res. 259: Mrs. JO ANN DAVIS of Virginia.

H. Res. 361: Ms. SLAUGHTER.

H. Res. 393: Mr. MENENDEZ and Mr. PLATTS.

H. Res. 418: Mr. OXLEY.

## DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 877: Mr. WYNN.

H.R. 1577: Mr. SANDLIN.

## AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 4775

OFFERED BY: MR. CALLAHAN

AMENDMENT No. 11: At the end of chapter 8 of title I, insert the following:

### RELATED AGENCIES

SOCIAL SECURITY ADMINISTRATION

SOCIAL SECURITY NOTCH ADJUSTMENT

### PAYMENTS

For making lump-sum payments to individuals born between 1917 and 1921 (or their dependents and survivors) who are currently receiving Social Security retirement benefits, \$250,000,000, to remain available until September 30, 2003: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That such amount shall be available only to the extent that an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to the Congress.

H.R. 4775

OFFERED BY: MR. LATOURETTE

AMENDMENT No. 12: Page 106, line 8, after the dollar amount, insert the following: “(reduced by \$175,000,000)”.

Page 109, line 7, after the dollar amount, insert the following: “(increased by \$175,000,000)”.

H.R. 4775

OFFERED BY: MR. LATOURETTE

AMENDMENT No. 13: Page 106, line 8, after the dollar amount, insert the following: “(reduced by \$175,000,000)”.

Page 109, line 7, after the dollar amount, insert the following: “(increased by \$175,000,000)”.

H.R. 4775

OFFERED BY: MR. LATOURETTE

AMENDMENT No. 14: Page 8, strike lines 4 through 19.

Page 109, after line 11, insert the following: In addition, for additional amounts for grants and other assistance authorized by

title II of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5131 et seq.) and section 615 of such Act (42 U.S.C. 5196d) for first responder preparedness programs, \$175,000,000 to remain available until expended.

H.R. 4775

OFFERED BY: MR. LATOURETTE

AMENDMENT No. 15: Page 8, strike lines 4 through 19.

H.R. 4775

OFFERED BY: MR. LATOURETTE

AMENDMENT No. 16: Page 8, line 14, after the dollar amount, insert the following: “(reduced by \$175,000,000)”.

Page 109, line 7, after the dollar amount, insert the following: “(increased by \$175,000,000)”.

H.R. 4775

OFFERED BY: MR. LATOURETTE

AMENDMENT No. 17: Page 8, line 7, after “for”, insert “the Office of Domestic Preparedness for”.

H.R. 4775

OFFERED BY: MS. JACKSON-LEE OF TEXAS

AMENDMENT No. 18: Page 8, line 3, insert before the period the following:

: *Provided further*, That the funds provided in this paragraph shall be available only after all the remaining names of the September 11 detainees have been released to Congress

H.R. 4775

OFFERED BY: MS. JACKSON-LEE OF TEXAS

AMENDMENT No. 19: Page 6, line 23, insert before the period the following:

: *Provided further*, That the funds provided in this paragraph shall be available only after the Department of Justice conducts an internal investigation and review of the Federal Bureau of Investigation field memoranda that dealt with the September 11 investigation

H.R. 4775

OFFERED BY: MS. JACKSON-LEE OF TEXAS

AMENDMENT No. 20: Page 8, line 3, insert before the period the following:

: *Provided further*, That the funds provided in this paragraph shall be available only after Border Patrol agents have been given training in racial profiling stops along the border

H.R. 4775

OFFERED BY: MRS. MEEK OF FLORIDA

AMENDMENT No. 21: Page 109, line 8, before the colon, insert the following:

, of which \$1,500,000 shall be for the minority emergency preparedness demonstration program authorized by section 629 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, as added by section 431 of Public Law 107-73



United States  
of America

# Congressional Record

PROCEEDINGS AND DEBATES OF THE 107<sup>th</sup> CONGRESS, SECOND SESSION

Vol. 148

WASHINGTON, WEDNESDAY, MAY 22, 2002

No. 67

## Senate

The Senate met at 9:30 a.m. and was called to order by the Honorable JOHN EDWARDS, a Senator from the State of North Carolina.

### PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Gracious God, You open Your heart to us. You assure us of Your unqualified and unlimited love. In spite of all the changes in our lives, You never change. We hear Your assurance, "I love you. I will never let you go. You are mine. I have chosen and called you to know, to love, and to serve Me."

In response, we open our hearts to You. We choose to be chosen. We accept Your love and forgiveness and turn our lives over to Your control. We confess anything we have said or done that deserves Your judgment. Cleanse our memory of any failures that would haunt us today and give us the courage to act on specific guidance You have given but we have been reluctant to put into action. We commit to You our families, our friends, and those with whom we work. Help us to communicate Your creative delight in each person's uniqueness and potential.

We dedicate this day's work of this Senate. Bless the Senators with a renewed sense of Your presence, a rededication of their calling to serve You and our Nation, and a reaffirmation of their dependence on You. Through our Lord and Saviour. Amen.

### PLEDGE OF ALLEGIANCE

The Honorable JOHN EDWARDS led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication

to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, May 22, 2002.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JOHN EDWARDS, a Senator from the State of North Carolina, to perform the duties of the Chair.

ROBERT C. BYRD,  
President pro tempore.

Mr. EDWARDS thereupon assumed the chair as Acting President pro tempore.

### RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The acting majority leader, the Senator from Nevada, is recognized.

### ORDER OF PROCEDURE—H.R. 3009

Mr. REID. I ask unanimous consent the mandatory quorum under rule XXII be waived with respect to the cloture motion filed on H.R. 3009.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

### SCHEDULE

Mr. REID. Mr. President, the Senate is going to be in a period of morning business until 10:30. Senator KENNEDY has the first half hour. At 10:30 the Senate will resume consideration of the trade bill, with 60 minutes of debate equally divided between the two leaders or their designees. At 11:30 we will vote on cloture on the Baucus substitute amendment. Senators have until 10:30 today to file.

If cloture is invoked today, we will go under the postcloture procedure. There are a number of germane amend-

ments. We hope we can work our way quickly through those.

The Appropriations Committee, at 2 o'clock today, is going to meet to mark up, we hope, the supplemental appropriations bill which Senator BYRD and the leader have indicated they would like to try to finish before the week's end.

We have a lot of work to do and not a lot of time to do it, so everyone is going to have to be cooperative if we are going to depart at a decent hour on Friday.

### RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

### MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 10:30 a.m. with Senators permitted to speak therein for up to 10 minutes each.

Under the previous order, the first half of the time shall be under the control of the majority leader or his designee.

The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, we have 15 minutes, is that correct, or do we have the whole half hour?

The ACTING PRESIDENT pro tempore. The Senator has 27 minutes.

Mr. KENNEDY. It is 27 minutes. I ask unanimous consent I be in control of that time.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

### EDUCATION

Mr. KENNEDY. Mr. President, as I have done on other occasions, I want to bring attention of the Senate to where

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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we are in education funding, an issue which is of central concern to families all over this country. I think if we asked the families across America—I know around Massachusetts—they are obviously concerned, particularly in the last few days and certainly in the last few months about the dangers of terrorism. They want to be sure we are going to be able to support our forces overseas. They are very concerned about it.

In my State, even with the rosy predictions of some, we still have communities with sizable unemployment. Families have a great deal of uncertainty about their future.

But right underneath the surface are two other major issues. One is health care, and that is reflected in the cost of prescription drugs and the availability of prescription drugs, but, second, and equal to that, is the question of ensuring their children will receive a quality education.

We addressed that issue in the Elementary and Secondary Education Act last year. We worked together with President Bush. We are proud of the fact we were effective in working together, bridging many of the differences. We were able to get a sizable downpayment for that legislation.

We have still left many children behind. Even though the bill is called No Child Left Behind, we are still leaving millions of children behind. Under the administration's proposal, we are going to even leave additional children behind.

As this chart shows, as we started the proposal last year, the Bush proposal was 3.5 percent. We were able to effectively get it up to 20 percent.

All of us are very familiar with the statements, the comments the President has made about how we all have responsibility. Students have responsibility and accountability; schools have responsibility; parents have responsibility.

That raises another issue. In the drafting of the rules, I think all of us understand the first educator for a child is the parents. We have put a special requirement in the legislation to make sure parents will be involved every step along the way in the implementation of the act we passed last year.

So it brings us some dismay that the administration has failed to do that, and done this in such a way that the parents are now bringing a suit against the administration because they are being excluded at the local level. That makes no sense. We should welcome parents in at the local level. We should welcome parents into the process of the education of their children.

But very quickly, before leaving this chart, I, again, want to show from the 3.5-percent increase, we were able to raise that up to 20 percent. We heard the administration talk a great deal, with the great sense of pride they had, with all the additional resources, and now it is back to 2.8 percent.

Mr. DURBIN. Will the Senator yield for a question?

Mr. KENNEDY. Please.

Mr. DURBIN. I think the Senator has hit an important point when we talk about the future of education and teachers. That chart tells an interesting story.

In Illinois, when I went to one of the universities that graduates more teachers than other schools, I said: What are we going to do about the shortage of teachers which we are facing in America? How are we going to find more teachers?

They said: Certainly we need more teachers, and good teachers, but our biggest problem is retaining teachers. Teachers who are educated, who graduate with student loans and the burdens that they face, start teaching in a classroom and after 2 or 3 years get discouraged, leave the classroom and go into the private sector. They said that we have to find a way to retain good teachers.

That is also an important element.

What the Senator pointed out here is that if the Bush administration will not continue its funding level for teachers, there is going to be unpredictability, unreliability for the teacher in the future.

My State is facing budget problems. Most are. They are going to be cutting back on education. So the double hit from both State funding and the Bush administration's refusal to fund its own education bill is going to jeopardize the number of teachers who are going to be available.

I think that is going to create problems far beyond next year.

Mr. KENNEDY. I appreciate what the Senator has pointed out. This chart indicates that \$742 million was added by the Congress last year for teacher quality. That is effectively zeroed out in terms of this year for teachers, in terms of recruiting teachers and in terms of retaining teachers. This is professional development.

I want to remind the American people that we have an administration which says, with the No. 1 domestic priority of education, we are confined to \$600 billion in tax cuts that they asked us to verify and make permanent for the future. And here we have virtually zero in terms of increasing the retention of teachers, training of teachers, and professional development.

Do the American people really believe this is the first domestic priority for the administration when they don't fund it and they asked the Congress to make permanent \$600 billion in tax cuts over the next 7 years?

Mr. DASCHLE. Mr. President, will the Senator from Massachusetts yield on another question?

Mr. KENNEDY. I am happy to yield to the leader.

Mr. DASCHLE. Mr. President, I appreciate very much what the Senator from Illinois said. Last weekend I spoke in South Dakota at the last

graduation of a high school at Hecla in my State. Hecla is closing its doors. They will no longer have a high school in that small town. What I find is that what is happening in Hecla is happening in places all over my State and in the country. Budgets are collapsing at the local level. They are not able to fund the priorities because the property tax base is shrinking. Every school administrator and every school district president I have talked to says they no longer have the budget they had just a couple of years ago. The situation is exacerbated by the tremendous loss of revenue at the local level.

On top of that, we now see a loss of revenue at the Federal level. Schools are getting caught in the squeeze. There is less money at the local level to hire teachers, to do what they have to do to improve the schools, and to ensure they have the proper classroom size at the very time of a double whammy by the administration which comes out with a budget that is sorely lacking in commitment of resources needed to meet the issues and challenges these schools are facing.

We are going to continue to see schools close, schools downsize, classes get larger, and students subjected to teachers who in some cases may not be qualified, in large measure because funding is not there.

We cannot have reform that we hear this administration wants without having resources. I appreciate very much the Senator from Massachusetts calling attention to that fact. But I ask: Does the Senator from Massachusetts have any similar situations he has experienced? Are schools not having that problem now not only in rural areas but in urban areas as well?

Mr. KENNEDY. The Senator is absolutely correct. I think the Senator would agree with me that parents back home just want their children educated. They want a partnership. I imagine in South Dakota and Massachusetts they want a partnership to make sure we are going to have investment in children.

It is a question of priorities. The leader has pointed out what was happening in his State. This isn't just something that the Senator from South Dakota has pointed out. Here is an article from the Wall Street Journal. This is not an organ of the Democratic Party. It is a very extensive article about the tight budget posing a threat to the smaller class sizes, which as we have all seen has a direct impact on children learning.

The article says:

In the prosperous 1990's, cutting class sizes gained importance, fueled by a Clinton-era program providing Federal aid for teacher hiring. But now some districts can't afford smaller classes partly due to unexpected costs of the hiring they've already done, and partly because of the economic slowdown.

And it is escalating dramatically.

It is an extensive article. I ask unanimous consent to have the article printed in the RECORD.



There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, May 16, 2002]  
TIGHT BUDGETS POSE A THREAT TO SMALL CLASSES

(By Robert Tomsho)

The crowded classroom may be coming back.

In the prosperous 1990s, cutting class sizes gained importance, fueled by a Clinton-era program providing federal aid for teacher hiring. But now some districts can't afford smaller classes partly due to unexpected costs of the hiring they've already done, and partly because of the economic slowdown.

Meanwhile, a new federal policy shift soon will permit states to spend federal money formerly dedicated to smaller classes on other school programs.

Districts that stopped maintaining smaller classes may not see class sizes go up for a few years. Still, worried advocates of small classes are starting to take action now to protect a policy widely popular among parents and teachers.

In 1996 the Irvine Unified School District, near Los Angeles, joined California's big push to reduce class sizes in kindergarten through third grade to no more than 20 students per class. With the state picking up 70% of the tab, the district hired about 200 teachers. Since then, related costs have increased as these new teachers moved up the pay scale. Because state funding hasn't kept up, Irvine had to tap local revenue, thereby increasing classes in the higher grades. Since the district began reducing K-3 class sizes in 1996, it has had to raise class sizes in grades 4-12 to an average of 35 students per class, up from 33. The jumps have been sharpest at the high-school level: Some classes have as many as 40 students.

Barbara Kadar, an Irvine first-grade teacher, says the program allowed her to spot individual problems early on. She says she's shocked at the policy reversal. "They found the goose that laid the golden egg, and now they're killing it."

At least nine other California school districts, out of 1,048, including the Cabrillo Unified School District, in Half Moon Bay, and Livermore Valley Joint Unified School District, in Livermore, made similar moves. State education officials expect many more districts to do the same by fall.

Similar funding cuts for class-size reduction programs have been proposed in Massachusetts, Wisconsin and other cash-strapped states. Even in places where state money for them has gone untouched, sharp cuts in state aid have forced districts to consider staff cuts that would result in higher class sizes. Brian Benzel, superintendent of schools in Spokane Wash., said: "We are going to be in a very difficult set of trade-offs."

Parents aren't likely to sympathize. This past month, dozens attended a meeting of the Riverside, Calif., board of education to protect its elimination of class-size reduction for the third grade. Meanwhile, in Memphis, amid a campaign by the local PTA, parents have been driving to the state Capitol in Nashville to demand that Tennessee legislators pass a budget that keeps the state's program. Recent polls show that an overwhelming margin of Florida voters back a constitutional amendment requiring the state to adequately fund a drive for smaller classes. "I can't go anywhere in public without someone coming up to me and saying that we have to do something," says state Sen. Debby Wasserman-Schultz, a Florida Democrat involved in an effort to put the proposed amendment on the November ballot.

For fiscal 2003, the Bush administration has combined the stand-alone federal class-reduction program with a program intended to enhance teacher quality. Now, states and school districts can decide whether to use about \$2.85 billion in related funds for new hires or to bolster teacher quality. The move was designed to give states more "flexibility and accountability," says Eugene Hickok, U.S. undersecretary of education.

Critics say the federal move enables states to shrink their own programs and sets the stage for endless wrangling over future funding for such initiatives. "It's going to come down to how much clout the teachers and parents have," says retired Tennessee State University education professor Helen Pate-Bain, a prominent advocate of smaller classes and former head of the National Education Association, a teachers union.

About 25 states have class-size reduction programs. In 1998, President Clinton, who championed the cause, called the hiring of 100,000 new teachers and establishing the federal class-size reduction program.

Research over the years has indicated that smaller class sizes lead to higher achievement in the primary grades, with the most marked improvements occurring when a classroom has 20 or fewer students. The effect of small classes beyond third grade is more mixed. During the 30 years of reduction in the federal ratios, nationwide achievement trends were a mixed bag: Math scores rose steadily as science results fell for some age groups.

California, having already spent nearly \$8 billion since 1996 to hire 28,000 new teachers, expects to complete an evaluation of its program by summer. Meanwhile, its program has had some unintended effects: In its hiring binge, the state had to take on more uncertified teachers to fill its classrooms, and about two-thirds of districts cut other programs, such as in music and art, to keep the classes small.

Such side effects haven't blunted support for small classes. Earlier this year, California's program was barely touched by budget cuts. Even as individual districts cut their programs, the California PTA is lobbying the state for more funding for smaller classes. "Parents and teachers still strongly believe that this is good for their kids," says Teri Burns, California's deputy superintendent of education, governmental affairs. "That pressure is still there."

Mr. KENNEDY. Mr. President, this is at a time when the administration is asking for \$600 billion more in tax cuts. We cannot help the parents, the small towns, communities, and working families make sure they are going to have a qualified teacher in every classroom in South Dakota, in Illinois, and New Jersey.

Mr. CORZINE. Mr. President, will the Senator from Massachusetts yield for an observation?

Mr. KENNEDY. Please.

Mr. CORZINE. Mr. President, the point the Senator from Massachusetts is making with regard to cutting the resources we have available for education and then not funding the mandates really bites in the State of New Jersey. We have a \$6 billion budget deficit in the upcoming year. Educational funding is going to have to be cut just to balance the budget. We have serious conflicts going on between teachers and administrations across the State.

If I have heard the Senator correctly, we are going to have virtually no in-

crease in education spending at the Federal level this year at a time when we have decided we want to make permanent these tax cuts which really are going to people who are doing extraordinarily well in society.

Mr. KENNEDY. The Senator has defined the choice. This is a question of priority which the Senator has outlined, the challenges in his home State, and what the choices are.

The administration, whatever we think about the past tax cuts, has now requested of this Congress \$600 billion more. The administration indicates that they have two priorities: Low-income children and special needs children.

I see both of my colleagues are here on this issue. They have indicated that the President has these two priorities.

Look at the special needs children. If we fund the \$1 billion each year, as the administration proposed, it would take 33 years to fully fund IDEA. A first grader at the time IDEA was first enacted would be 67 years old by the time the Republicans' proposal fully funded IDEA.

That is the program that helps communities with special needs children. That program was fully funded when it passed here and went to the conference when the Republicans ran the Senate. When it came back, it was zeroed out. It was called special interest funding.

Then, as a matter of principle, the decision was made by our colleague and friend, the Senator from Vermont, Mr. JEFFORDS. He said that isn't enough. He became an independent because he did not believe meeting our responsibilities to special needs children was a boondoggle or pork spending.

I don't think the Senator from Illinois or the Senator from New Jersey believe that either. I want to know if they believe, as I do, that this is a national priority and should be a national priority, and that we ought to be willing to make sure we meet our commitment to those families who have the special needs children and to the taxpayers in those communities to make sure it is adequately funded.

Mr. DURBIN. Mr. President, if the Senator will yield, that is the important point, the last statement is the important point, because school districts in Illinois, New Jersey, and Massachusetts are facing a Federal mandate. Children with special needs, with learning disabilities, physical disabilities, and other problems are going to have to be given every opportunity to learn and be productive members of society.

That is something Congress and the Federal Government said to the local school districts. Yet we have not provided them the opportunity to do it.

The Senator from Vermont, Mr. JEFFORDS, and the Senator from Massachusetts, as well as the Senator from New Jersey and I, want the Federal Government to keep its words. We do not want to say to school districts: This is your responsibility; you figure

out how to pay for it. In some States, school districts have to move children great distances to find that special learning situation and environment where they can prosper, and at great expense. That is money taken out of the regular classrooms, from the students and teachers. We need to make sure there is quality education for all kids.

The Bush administration says it is a good mandate. But if they want to spend additional money for tax cuts, we can't see it. They want to put \$600 billion more into tax cuts primarily for wealthy Americans and not for education, for teachers, for students, and particularly for children with special needs. That is exactly the burden my school districts face in Illinois.

Mr. KENNEDY. There are smaller towns and communities that have children with special needs. When the school districts attempt to provide for children with special needs, suddenly the property tax rates go up in the local towns and communities. Parents feel they are blessed to have children with special needs. They understand the challenges faced in trying to take care of those children. I have never met a parent who does not believe in some way that child gives them an additional sense of purpose in life. All we are trying to say as a nation is we are going to try to help relieve that community from those very special kinds of additional obligations. We are going to provide some help—not all but some help and assistance.

Can either Senator explain to me why that is a lesser priority than trying to have this \$600 billion tax cut? That is the choice. Are we going to help small towns? They can be in North Carolina the State of our Presiding Officer, or they can be in South Carolina. They can be in western Massachusetts, southern Illinois, or any part of the State of New Jersey. But these local communities are hurting and hurting deeply.

We have a lot of lip service, but if we are to follow what the administration has said in terms of funding for IDEA, it is going to take us another 33 years in order to do it.

Mr. CORZINE. If the Senator will yield for just a moment, I will make the observation this is not only for small communities. I think about towns such as Camden and Newark in the State of New Jersey, where class sizes average about 30. Many of these children who have special needs are mainstreamed, but they have special programs to try to lift those with learning disabilities.

These towns and cities do not have the tax base to even raise the necessary money. So what happens is, in fact, we are forcing failure to comply with the law, failure to meet the needs of our children. And if we, as a nation, do not begin to prioritize these elements of our population in this educational process, we are going to recycle these problems because it just goes

on and on, and it is extraordinarily dangerous in our small towns and cities for our urban kids, particularly where you combine the problem of large class size and special needs for kids who have been mainstreamed in classrooms because there are no other choices.

I hope we can speak strongly about doing what we always argue: That we want to make sure we fully fund IDEA. It is not happening. I commend the Senator from Massachusetts for his effort.

Mr. KENNEDY. I thank the Senator because we have recognized this IDEA program has been built upon the Supreme Court holdings about responsibility. We have the responsibility to make sure education is going to be available and accessible to children with special needs. That is effectively the Court's decision.

So we have said we are going to provide help and assistance. We have failed to do so. As the Senator points out, the fact is, 25 years ago there were 4 million children who were effectively either being kept at home or pushed off in different kinds of settings who never had the opportunity for education. Now we know those children are working their way through.

What we have found, in terms of the graduation rates, employment rates, and even the college graduation rates, they have all dramatically increased. And the difference it has made is extraordinary in terms of their lives, living lives of independence and even being taxpayers.

My friend from New Jersey is in the Chamber. I want to mention one other area in which I know he is interested; that is, what has happened with the Pell grants.

We just have a brief opportunity. We have seen what the cost of education has been, the shrinking buying power of the Pell grants. We know how important this is in terms of children. The average income is \$17,000 for those who are eligible for the Pell grants.

We found out back in the mid-1970s that paid for about 80 percent of the tuition for children who went to 4-year public colleges less so in private institutions. Now we have seen that purchasing power go down.

Does the Senator not agree with me that we, at some time, made a decision we were going to try to make sure that children of ability and talent, from wherever they came, whatever part of the country—despite their families' resources—would be able to gain entrance into a fine school or college in New Jersey or Massachusetts or any other State, that they would be able, with their limited means, to put together the Pell grants, have the Work-Study Program, and with their summer income—the extra work they might be able to do—have an education?

Will the Senator comment about what has happened with that Pell grant which has really been the key to opportunity? We will hear a lot of speeches

in this body and a lot of speeches being made in America about the importance of education and how that opens the doors of opportunity. Does the Senator from New Jersey not agree with me that effectively we are closing those doors for a very significant number of Americans and, therefore, we are losing, at least for those young Americans, the real hope and opportunity that education provides?

Mr. CORZINE. The Senator from Massachusetts is exactly correct. It is extraordinarily disappointing that we have seen this kind of trend, particularly at our public universities, which were really designed to give every American access to higher education. I have not studied the numbers in the last couple months, but I think the average earnings of a college graduate relative to a high school graduate are almost double for someone who completes a 4-year college degree.

If we do not understand that reflects productivity into our economy and into our society, we are making a huge mistake. This kind of underfunding of access to the American promise, the American dream, I find hard to conceive. I know it has been important in my life, and it has been for many of our colleagues.

Mr. KENNEDY. I appreciate the Senator's comments because this Nation had been committed to that value. We had the land-grant colleges in the 1870s, which was the beginning of the commitment to make sure children with limited means would be able to go to college. We had the GI bill after World War II, and every evaluation shows that those who received the GI bill paid five times as much in taxes as it actually cost.

We had this commitment in the early 1960s with the Pell grants and the Stafford loans to put together, and day after day, when we have failed to fund this program, we are increasingly denying that opportunity for millions of Americans.

We have a responsibility to invest in the children of this country. The choice is clear: Are we going to follow what the President has suggested, \$600 billion more in terms of tax cuts, or are we going to invest in the children of this country in K-12 to help provide help and assistance to those families, the special needs children, and the gifted and talented children, to take advantage of the Pell grants, or to otherwise be denied the education?

Mr. President, this is a matter of importance to every family. We want to give them the assurances that we on this side, on the Democratic side, are going to stand with the families. We are going to fight for this funding because it is our priority, their priority, and we will do everything we possibly can to make it a reality.

I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DOMENICI. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Ms. STABENOW). Without objection, it is so ordered.

Mr. DOMENICI. Madam President, parliamentary inquiry: Am I scheduled now in morning business?

The PRESIDING OFFICER. If there is no further use of time on the majority side, the Senator may proceed.

Mr. DOMENICI. I thank the Chair.

(The remarks of Mr. DOMENICI pertaining to the introduction of S. 2540 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. DOMENICI. I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call to the roll.

Mr. THOMAS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. THOMAS. We are in morning business; is that correct?

The PRESIDING OFFICER. The Senator is correct.

#### PUBLIC LANDS

Mr. THOMAS. Madam President, we have been very involved in relatively few issues over the past 6 weeks. We were on energy, and for about 3 weeks we have been on trade. Obviously, our attention has been very strongly on terrorism and doing the things that are necessary both overseas and internally. At the same time, we have talked among ourselves, of course, and one of the elements is to do normal business.

Today, I want to talk about an issue that is quite often normal business, particularly for those of us in the West, and that is public lands. Of course, there are a lot of aspects to public lands.

In States such as Wyoming, about 50 percent of the State belongs to the Federal Government, and therefore what is done with public lands has a great deal to do with our economy and our activities. We feel very strongly about it, of course. It is a big issue for us. The idea of multiple use is one that is always debatable and is being discussed. There are different kinds of public lands. There are those set aside for wilderness, for a special use, for a special reason, and there are those with various restrictions, set aside for parks or U.S. forests. So there are constant issues that relate to the use of that land.

Of course, much of our domestic energy is produced on public lands. So we need to make sure we can work on the extraction of energy and domestic production and, at the same time, maintain the quality of the environment. That is a debatable issue. I think we can do that, and we have demonstrated

in Wyoming that you can have multiple use and production of resources, and you can have grazing and, at the same time, protect the land and the environment. So energy has become very much an issue.

As you know, the whole question over ANWR was the idea that we now look overseas for about 60 percent of our energy. We need to increase our domestic production so we become less dependent upon others. That continues to be an issue. But it is not only ANWR. That was simply the poster child. The fact is, in the West it is a very continuing and important issue. We are involved in doing EISs right now, and EPA and endangered species issues, which go together to make decisions.

Access is also very important. People like to visit public lands with multiple use. The question of roads comes up. Most people agree that outside of the wilderness, limited roads are the answer. Again, we have to protect the environment.

One of the things we have pushed for and continue to do so—and this administration has promised to do and I think is doing—is to allow for more flexibility and more local input. It is true the locals cannot make the decisions regarding public lands, but they can have very helpful input into how they are managed.

We are also talking about the use of snow machines in Yellowstone Park. Of course, there is some controversy about that. Some people don't think there ought to be anybody in the park in the wintertime. Millions of cars are there in the summer, but there are only a few thousand in the winter and that seems to upset them. Nobody is suggesting we continue to do it as we have in the past. But there are now reliable sources that can make quieter machines so that they can be managed better and separated from cross-country skiers. You can do a number of things to allow the owners to participate in public lands.

Another issue that has been discussed is the matter of fires. We are into that season now and we have already had forest and grass fires in some places. Certainly, we are better prepared for that now, partly because we have had three dry years. The Forest Service has invested a great deal more in personnel and equipment to deal with that problem.

One of the other issues that sometimes is controversial is the idea of trying to prevent forest fires by the removal of excess forage and fuel. It is something that has been done and can be done, and we have not done enough of it perhaps. We ought to be able to do some thinning in various places that will make fires less likely to occur, rather than putting all of our emphasis on fighting a fire after it has begun.

So public lands has a lot of interesting issues and always will, of course. There are people on both sides that sort of take extreme positions. Some

say we should not touch those lands; they should be set aside totally. Others are not concerned about damage to the environment. So we need to find a reasonable middle ground so we can have access, so we can have multiple use and, at the same time, we can preserve the resource.

I want to talk briefly today about one aspect of it and that is our national parks. National parks are different, at least for one reason, in that they were set aside as national parks for a specific reason. The reason that is so different is the BLM lands—Bureau of Land Management. Most of the lands in Wyoming were not set aside, they were residual, what was left after the Homestead Act had been completed. So they may or may not have any particular significant character to them. Parks, on the other hand, do have significant character or they would not be designated as parks. So we have been working on that.

In 1998, I was successful in passing Vision 2014 in which we dealt for the first time in a number of years with ways to help strengthen parks, in terms of management and their concessions, and in terms of dealing with the natural resource needs, and dealing with financing of national parks. It provides for improved management, increased accountability. As in any other issue, there has to be accountability when you are talking about millions of dollars. Of course, it has to be management when you are talking about millions of people going there. So we were very pleased with that law. I think it is doing some things that are very useful.

Part of the funding in the past has been what has been called the demonstration fee project, which created park passes. That has been in place now for 3 years. The National Park Foundation has been instrumental in its success. Now there is a very attractive portfolio and picture and so on, and persons can buy this pass, which does two things. One, it gives accessibility to all 385 national parks and also helps to contribute to the sustenance of those parks. We certainly want to continue that program, but we are now going to be working on something that does expire. It is called the Demonstration Fee Program. It expires at the end of this year. It has been in existence for about 5 years. It was an opportunity for some small additional fee on certain parks and allowed for income and the opportunity to make expenditures on what is good for visitors in the parks. It extended not only to the Park Service but also the Bureau of Land Management, U.S. Fish and Wildlife Service, and the U.S. Forest Service.

It turns out the collection of the fee in many places is very difficult. In fact, with the BLM it is almost impossible. If there is a public land forest, and in some instances there are facilities, they can probably do that, but it is very difficult. On the other hand, parks almost always have an admission site, a gate for entry.

So the idea is the principal support for parks and public lands is provided through taxes from everyone, and then some small contribution made by those visitors. We are trying to avoid the idea of each park having various charges.

Eighty percent of the funds that come from the fees are used in the park where they are collected. Some parks cannot collect, so 20 percent is reallocated generally. But a major part of the fee goes to the park where the fee is collected.

We modified it some. We are making a permanent fee, rather than the demonstration fee which expires. We made provisions and criteria for the charging of the fee. We have a business management plan on the park and determine the feasibility of this program. Not all parks will be involved. We will do away with the nickel-and-dime fees where you pay for every little thing.

This provides a great opportunity. We talk a lot about the lack of funding for parks. Particularly in the infrastructure, that is probably true. This administration has made it clear they intend to increase the funding for the infrastructure, particularly of larger parks such as Yellowstone or Yosemite where there are millions of people visiting, where we have highway problems, sewer problems, facility problems. We have introduced a bill that makes this permanent. It helps fund our parks and keep them strong.

We have over 385 national parks in America. In addition, there are heritage sites and other parks administered by the Park Service. That is one of the real treasures of the United States, our national parks—whether they be in Florida, in the Everglades or elsewhere.

We are working on a fee demonstration program for national parks. The purpose is to keep them the valuable asset they are. They have to be preserved. We changed some concessions so they contribute more, yet make them competitive. We are seeking to get business management in the larger parks. They are big business, operating in millions of dollars each year. Times change. We are seeking to change with it. The purpose is to effectively manage the resources so they are available to their owners to visit.

We look forward to the passage of the fee demonstration project.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BAUCUS. Madam President, I ask unanimous consent the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

#### ANDEAN TRADE PREFERENCE EXPANSION ACT

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of H.R. 3009, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 3009) to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes.

#### Pending:

Baucus/Grassley amendment No. 3401, in the nature of a substitute.

Dorgan amendment No. 3442 (to amendment No. 3401), to require the U.S. Trade Representative to identify effective trade remedies to address the unfair trade practices of the Canadian Wheat Board.

Reid (for Reed) amendment No. 3443 (to amendment No. 3401), to restore the provisions relating to secondary workers.

Reid (for Nelson of Florida/Graham) amendment No. 3440 (to amendment No. 3401), to limit tariff reduction authority on certain products.

Reid (for Bayh) amendment No. 3445 (to amendment No. 3401), to require the ITC to give notice of section 202 investigations to the Secretary of Labor.

Reid (for Byrd) amendment No. 3447 (to amendment No. 3401), to amend the provisions relating to the Congressional Oversight Group.

Reid (for Byrd) amendment No. 3448 (to amendment No. 3401), to clarify the procedures for procedural disapproval resolutions.

Reid (for Byrd) amendment No. 3449 (to amendment No. 3401), to clarify the procedures for extension disapproval resolutions.

Reid (for Byrd) amendment No. 3450 (to amendment No. 3401), to limit the application of trade authorities procedures to a single agreement resulting from Doha.

Reid (for Byrd) amendment No. 3451 (to amendment No. 3401), to address disclosures by publicly traded companies of relationships with certain countries or foreign-owned corporations.

Reid (for Byrd) amendment No. 3452 (to amendment No. 3401), to facilitate the opening of energy markets and promote the exportation of clean energy technologies.

Reid (for Byrd) amendment No. 3453 (to amendment No. 3401), to require that certification of compliance with section 307 of the Tariff Act of 1930 be provided with respect to certain goods imported into the United States.

Boxer/Murray amendment No. 3431 (to amendment No. 3401), to require the Secretary of Labor to establish a trade adjustment assistance program for certain service workers.

Boxer amendment No. 3432 (to amendment No. 3401), to ensure that the U.S. Trade Representative considers the impact of trade agreements on women.

Reid (for Durbin) amendment No. 3456 (to amendment No. 3401), to extend the temporary duty suspensions with respect to certain wool.

Reid (for Durbin) amendment No. 3457 (to amendment No. 3401), to extend the temporary duty suspensions with respect to certain wool.

Reid (for Durbin) amendment No. 3458 (to amendment No. 3401), to establish and implement a steel import notification and monitoring program.

Reid (for Harkin) amendment No. 3459 (to amendment No. 3401), to include the prevention of the worst forms of child labor as one of the principal negotiating objectives of the United States.

Reid (for Corzine) amendment No. 3461 (to amendment No. 3401), to help ensure that trade agreements protect national security, social security, and other significant public services.

Reid (for Corzine) amendment No. 3462 (to amendment No. 3401), to strike the section dealing with border search authority for certain contraband in outbound mail.

Reid (for Hollings) amendment No. 3463 (to amendment No. 3401), to provide for the certification of textile and apparel workers who lose their jobs or who have lost their jobs since the start of 1999 as eligible individuals for purposes of trade adjustment assistance and health insurance benefits, and to amend the Internal Revenue Code of 1986 to prevent corporate expatriation to avoid U.S. income tax.

Reid (for Hollings) amendment No. 3464 (to amendment No. 3401), to ensure that ISAC Committees are representative of the producing sectors of the U.S. economy.

Reid (for Hollings) amendment No. 3465 (to amendment No. 3401), to provide that the benefits provided under any preferential tariff program, excluding the North American Free Trade Agreement, shall not apply to any product of a country that fails to comply within 30 days with a U.S. Government request for the extradition of an individual for trial in the United States if that individual has been indicted by a Federal grand jury for a crime involving a violation of the Controlled Substances Act.

Reid (for Landrieu) amendment No. 3470 (to amendment No. 3401), to provide trade adjustment assistance benefits to certain maritime workers.

Brownback amendment No. 3446 (to amendment No. 3401), to extend permanent normal trade relations to the nations of central Asia and the south Caucasus, and Russia.

Grassley modified amendment No. 3474 (to amendment No. 3446), to express the sense of the Senate regarding the United States-Russian Federation summit meeting, May 2002.

Reid (for Jeffords) amendment No. 3521 (to amendment No. 3401), to authorize appropriations for certain staff of the U.S. Customs Service.

The PRESIDING OFFICER. Under the previous order, the time until 11:30 a.m. shall be for debate only, with the time equally divided and controlled by the two leaders or their designees.

The Senator from Montana.

Mr. BAUCUS. Madam President, we have had 3 good weeks of debate on this bill. I urge my colleagues now to think about voting to invoke cloture so we can get past this bill and get on to other business. We have already disposed of 19 amendments. A number of other proposed amendments have been addressed through colloquies and will also be included in the managers' amendment at the end of this legislation.

I might say, early in the debate we were able to forge a historic compromise on trade adjustment assistance which expanded the program to deserving groups of workers and, for the first time, provided health care adjustment to TAA recipients.

That is an extremely important development. Currently, trade adjustment assistance—that is, assistance to workers displaced because of trade—is paltry. It doesn't help workers very much. It only applies to primary workers anyway. We made huge, significant improvements to help develop a consensus on trade; that is, so more people

get in on the benefits of trade or at least are not harmed when there is natural change in our economy because of globalism and economic readjustment.

This trade adjustment assistance part of it, it should be understood, I might say unpretentiously, is an extremely important part of this bill. As it stands now, I believe this bill is the most forward-looking and significant trade legislation to be considered by this body in over 15 years.

The fast-track extension included in this bill provides authority for the President to negotiate trade agreements, both multilaterally and unilaterally. Using fast track, the President will be able to open new markets for U.S. exporters and for the benefit of U.S. consumers.

As I have noted before, this section of the bill is also the most progressive ever to gain serious consideration by the Congress. Not only is the trade adjustment assistance provision most progressive, but also the fast-track TPA portions of the bill are most progressive. For the first time, labor and environmental issues are part of the core of any future trade agreements. That is monumental.

I cannot tell you, Madam President, the number of years that issue has been debated. Those who did not want labor to be included at all in the negotiating objectives of trade agreements, who did not want environmental issues at all considered, won the day. But, frankly, I think it was the breakdown of the ministerial in Seattle; that is, the trade ministers' meeting in Seattle, which could not cope with all the changes in the world, including the necessary inclusion of labor and environmental provisions, that has now brought this to where, in this legislation, we are doing so.

This bill for the first time includes labor and environmental issues. It also continues U.S. priorities such as opening agricultural markets. We all know one of the biggest challenges we face as Americans is knocking down agricultural trade barriers worldwide. The European Union is one of the greatest offenders.

We also know we want to preserve our U.S. trade laws, such as section 201 of our countervailing duty laws or antidumping, which are there to help keep other countries honest; that is, to help prevent other countries from dumping in America, from subsidizing their production and sending it over to America. We need those laws to help keep those other countries honest because our borders are significantly more open than are the borders of other countries.

So we need our trade laws to help them do what they know is the right thing to do. If we do not have our trade laws, they are unlikely to do it.

The legislation before us, as I mentioned, extends and expands trade adjustment assistance. It is critically important. This is long overdue. Let me just explain in some detail, although not much detail, what that provides.

We extend coverage to ensure workers can complete job retraining. That is an extension. We have a whole new pilot program on wage insurance, so a lot of people who are dislocated on account of trade have the option not to take the trade adjustment benefits but, instead, can take wage insurance, which essentially compensates the employee for half of the difference between his old job and his new job, the beauty of this being it helps people work again; they are back at a job working, as opposed to just receiving benefits.

We also expand coverage to secondary workers—not just primary workers.

For example, if an auto plant lays off employees, what about the supplier of windshields or the supplier of engine parts? They get laid off, too. Those are the secondary workers who are now covered under this bill. It is a huge benefit. We expand it to farmers and to fishermen. They get displaced because of trade many times.

As I mentioned, it is extremely important. For the first time, we provide health insurance for displaced workers. It is critically important in these days where, unfortunately for many people, it is hard to get health insurance anyway.

When you are displaced and lose your job, what are you going to do about your health insurance? You are going to need health insurance. We provide health insurance under trade adjustment assistance.

These matters should not be taken lightly. They are extraordinarily important. Those trade adjustment assistance provisions will be available to people who are displaced because of trade irrespective of whether it was a consequence of a fast-track bill, irrespective of whether that dislocation was a consequence of some trade agreement not subject to fast track—most trade agreements are not subject to fast track—irrespective of whether there is any agreement of any kind because the world economy is so fluid and some changes are almost chaotic. Those benefits in the legislation will be available to anybody who qualifies and loses a job on account of trade, irrespective of any fast track or any trade bill. It is vitally important.

The bill also extends and expands two very vital preference programs. One is the Generalized System of Preferences, GSP, and the other is the Andean Trade Preference Act, which is very important, particularly if we want to increase trade in South America. European countries and others have trade with South America. We need to get moving and have a better trading relationship with at least the Andean countries in South America. This bill extends those preference programs for 5 years, and also rebates tariffs paid since expiration which was the end of last year.

The two I mentioned are also improved. The Andean Trade Preference

Act now includes a petition process for reviewing the progress of Andean countries in meeting the objectives set out in the bill. And the GSP Program has been updated to take into account the definition of core worker rights promulgated by the ILO's 1998 declaration. That is an update. It helps to bring ILO standards up to date.

Further, in this debate on this bill, Senators have improved the legislation through their amendments. Senator KENNEDY, for example, won an amendment to ensure that the global AIDS crisis is properly recognized in trade legislation. Senators DAYTON and CRAIG contributed an important amendment to ensure U.S. trade laws are not needlessly treated as bargaining chips in trade negotiations. I intend to see to it that this issue is properly addressed as this legislation moves forward.

Senator EDWARDS added an amendment to ensure that the interests of textile companies and their workers are treated fairly in trade negotiations, and under trade adjustment assistance.

I congratulate each of these Senators for their contributions and hope they will help us in moving their amendments and the entire legislative package forward.

We have had a good and full debate on this trade bill. I plan to continue to work with Senators to see to it that their concerns are addressed.

But it is time to begin to think about passing this bill. It is time to wind down the debate. It is time to invoke cloture. There are always going to be further amendments that some Senators wish to offer. But at some point we need to declare that enough is enough and move this process forward. I believe we are at that time. For the sake of American workers, for the sake of American business, for the sake of every American farmer and rancher, particularly American workers and employees, and because a very important part of this bill is to help those who are dislocated on account of trade, I urge my colleagues to vote for cloture.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GREGG. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BAYH). Without objection, it is so ordered.

Mr. GREGG. Mr. President, I will speak briefly on the pending legislation, which is the trade promotion authority, the trade adjustment authority, the Andean trade agreement, the general agreement on tariffs language.

There is that old adage: If there are two things you do not want to watch being made, one is sausage, the other is law. Regrettably, that applies to this undertaking.

For reasons which still escape me but which appear to be necessary from the

standpoint of the administration, there was a negotiation which occurred which involved how this bill would come to the floor. The majority leader decided to, out of the course which is typical, hook three major pieces of legislation together: Andean trade, trade adjustment, and trade promotion.

Traditionally, trade promotion, which has historically been noted as fast track, has been taken up as a single issue. It was not linked to trade adjustment nor with another treaty, which in this case would be the Andean trade promotion agreement. But the majority leader decided to bring the three to the floor, and the administration, working through the leadership on the Republican side of the aisle, working with Senator GRASSLEY, Senator LOTT, and Senator GRAMM, entered into extensive negotiations as to the makeup of the final package.

The result of that was, as I mentioned, something you probably should not watch, whether it is the making of sausage or the making of this piece of legislation because within this bill there are major new initiatives which have very little to do with trade, but a great deal to do with bad public policy, as we try to address issues such as health care and people losing their jobs.

There is no question but that the trade adjustment concept is a very important one. I have used it extensively in my role in public policy. There have been instances in New Hampshire where people have been put out of work because of what appeared to be unfair trade activity, and we have used trade adjustment to assist those individuals. It has been very successful.

Its purpose—the original concept of trade adjustment—was to train people, to give them new talents, new abilities, new capabilities, so they could go back into the workforce after losing their job because the job which they lost no longer existed because trade, competition had basically left it behind. We helped those people get back into the workforce and actually have more talent, more ability, and thus be more productive and actually end up being citizens who have a better earning capacity.

That is the goal of trade adjustment, a very laudable goal, appropriate goal, and something which actually has worked rather well, at least in my experience as it has been applied in New Hampshire. I used it aggressively both as Governor and since then, on occasion, I have had the chance to use it to help people in my role in the Senate.

But this bill takes the trade adjustment concept and moves it into an entirely different exercise. It moves it into an exercise of what basically amounts to welfare, in many instances, and to social engineering, in other instances, and into an attempt to address a health care need which is significant but which, when addressed in the manner in which it is addressed in this bill, puts us on a path which could lead to a

radical expansion in the cost of health care for the taxpayers of America who have to bear the burden of these types of initiatives.

The bill has in it two major new entitlements, something called wage subsidy, which is a European model program that essentially says you are going to pay people to take less productive jobs. Somebody who is out there working hard, earning money, paying taxes, they are going to take their tax dollars and pay somebody who is out of work to take a job where that person will be less productive, encourage them to move into a less productive job—just the opposite of what the original purpose of trade adjustment was—a concept which is purely reflective of what is done in our European neighbors' economies, where they basically pay people to be nonproductive citizens.

That is the first entitlement initiative called wage subsidy: A person gets \$5,000 to make up the difference between what they were being paid in the job they lose and the job they take. There are no limitations on this. There is no requirement of necessity. There is no requirement that there be an arm's length agreement. There is no requirement, if there is a similar or substantially similar job out there that the person could have taken at an equal amount of pay or better, that the person take that job. There is no requirement the person stay in the community.

There are none of the requirements that are the concepts built around trade adjustment, which are a person should basically be retrained, given new talents, new opportunities to find a new job within the marketplace where they lost their job. None of those protections are there. There are no protections against fraud and abuse, mismanagement of this brand new entitlement. And it opens the door to a massive expansion of this concept, which we see.

It is not as if that is a concern that is not relevant. We see that course of action being followed in our sister states, sister economies around the globe, where you have this concept of: If you pay people to do less and be less productive, that is actually an appropriate government policy where you take taxpayer dollars out of one person's pocket and put them in another person's pocket and don't ask that person to be more productive. You actually ask them to be less productive.

That attitude of governance, which is paternalistic and which is what dominates the continental European economies, has huge impacts on your productivity as a society and, therefore, on your creation of jobs and wealth and, as a result, on your creation, maintenance, and improvement of a standard of living.

There is an interesting article by Paul Johnson, one of the great historians of the last 20 or 30 years, on this specific point which is contained in a

book entitled "Our Times." It is one of the reasons he views the European economy as having failed to maintain itself, because the European economy pursued this paternalistic approach toward economic activity on which we are embarking as a result of choosing this type of brandnew entitlement.

The second major entitlement in this bill is the health care entitlement, much more complex and difficult. The wage subsidy is just a pure outrage. If you have any interest in marketplace economics, it is an affront. If you happen to believe in a paternalistic approach to governance, it is a great program. But if you believe in the marketplace, it is an affront.

The health care entitlement in this bill, which has no place in trade promotion—it should be debated in the context of major health care reform—is much more complex but equally problematic because it creates a brandnew major entitlement. Basically what this says is, if you lose your job because of a trade-related activity, the Federal Government will come in and pay you 70 percent of the cost of buying health care under the terms with which you held health care prior to losing your job or under some sort of pooling agreement. It doesn't say you can go out and buy health care in the private marketplace or that you can join some other group such as an association and buy health care through that. It says you have to buy this new health care through your old health care provider or some new pooling agreement, a State-sponsored pooling agreement.

This concept is a prefunded tax credit, essentially a welfare payment. That is a new title for it, such as when someone comes up with a term to try to avoid the real meaning of what is happening. In this instance, what we have is a welfare payment which is being made to an individual who loses their job.

It is perfectly reasonable that we try to figure out some way to give reasonable health care coverage to people who lose their jobs. That is perfectly reasonable. But to do it in this narrow band of activity outside of a more substantive reform of the health care arena is to step us off on a path which is slick and which is clearly downhill and which will probably lead to incredible mismanagement of our health care initiatives and our attempts to correct the health care problems.

Right on the face of it, this creates an unbelievably difficult situation for people who are working and don't have health care. If you are working and you don't have health care today, you are now going to be paying taxes, probably increased taxes, to pay for somebody who is going to get health care who is not working. How fair is that? You can't afford health care. You are paying taxes. Your taxes go up so that somebody who doesn't have a job but who has a variety of different support mechanisms, including an additional 2 years of unemployment, significant



benefits in the area of retraining, significant other benefits which are tied to trade adjustment—that person will also now get a 70-percent payment from you, the working American who does not have health care, to that person, the nonworking person who does not have health care, which creates a perverse incentive in the marketplace for the person who doesn't have health care, who is out of a job, to stay out of a job or maybe the person who needs health care who has a job to give up their job in order to get health care coverage.

It is very bad policy. It is unfair. It is extremely unfair to the person paying taxes who does not have health care coverage.

The second problem with it is, by demanding that the person who is getting this new coverage, the 70 percent of tax dollars to pay for that health care insurance—how many people in America today have 70 percent of their health care paid for them by the Federal Government? I guess the Part B premium on Medicare is the only people who will be competitively in the same situation; about 75 percent of your Part B premium under Medicare is paid for by other taxpayers. But in this instance, that 70-percent subsidy which comes from other taxpayers will now have to be used to purchase the highest cost health insurance that is probably out there, which is the health insurance left over from the job you just lost.

You can't buy anything other than a COBRA-based health policy or this new State pooling concept which does not exist. I am willing to almost guarantee it is not going to exist in most States because most States don't have enough people who are affected by trade adjustment to create a pooling agreement which would be viable through which to buy that health care insurance. They would have to set up an entirely different group of people to participate in the agreement. Maybe they will do that, but most States are not going to set one up just for trade adjustment.

As a result, a person will have a 70-percent subsidy to buy the most expensive health care rather than allowing that person to go out in the marketplace and make an intelligent and thoughtful decision as to where they will buy their health care.

You have immediately created an entitlement which is going to be driven perversely in the amount of cost it will incur and where the dollars are going to flow in order to purchase health care, instead of creating an atmosphere where the person without health insurance, who is out of a job, becomes an intelligent consumer of health care where they go out in the marketplace and say: What do I really need? What can I really afford here? And what do I really need in health care insurance? They look around and figure out what their best options are.

You are instead saying to that person: You must go out and buy the highest end insurance out there. You may

not need it, but you have to buy it. Of course, 70 percent of it will be paid for by the poor person working down the street who has a job and doesn't have health care at all.

It makes no sense. If you wanted to throw a door open and look out over an abyss of massive complication, this is it. To step into the uninsured health care issue in this manner is to do exactly that. It is a massive new entitlement in its own right but a colossal mistake from the standpoint of health care policy and a major entitlement initiative as it expands from here.

This is going to basically become a roadmap for the future. It will be a rut that is going to be very hard to get out of intelligently as we move down the road of health care reform, especially for uninsured Americans. This is a big issue, something that has to be handled with a little more thought and foresight.

These are the two huge entitlements from a public policy standpoint. Financially, they are not scored that aggressively in this bill. But from a public policy standpoint, these are the two massive new entitlements in this bill. They represent an explosion of new entitlement activity that is incurring in this Congress and under this administration. The farm bill, scored at \$80 billion when it first came through here over budget, is now somewhere over \$100 billion, probably more than that, and most of it is in a new entitlement program.

There are a variety of other ones in the wings coming at us, whether they are mandated private sector activities or whether they are going to be something such as a drug benefit which now has a floor on it of \$350 billion with no ceiling in sight.

When I came here in 1992, having just served as Governor of my State, my focus was mainly on two things. In fact, it was the main focus of four or five of us as new members, as Republicans, including Senators Coverdell, BENNETT, Kempthorne, HUTCHINSON, and later CAMPBELL. The focus was on unfunded mandates that were being put on the States. The second was the explosion of entitlement costs. We took aggressive action because we were facing a significant deficit and had been through many years of it, to try to get entitlements under control. We aggressively pushed that as new Members of the Senate.

It is sort of like "deja vu all over again," to quote Yogi Berra. Here we are facing a deficit, and we don't know how severe it is going to be. We are piling on entitlements, and the most difficult spending to get under control in Government is entitlement spending because it is automatic. It creates interest groups and basically is not capable of being reined in efficiently or effectively in public bodies that go up for election every 2 and 6 years.

I think the trades made in this bill are difficult, to say the least. To get fast-track authority—a procedural

process for the President to have an opportunity to make his points on trade agreements, which cannot be amended by the Senate, that is a very important point on administrative prerogative, but it is procedural. In exchange for that procedural right, we are trading away very significant new entitlement initiatives which have explosive potential and are bad public policy.

As a result, I have deep reservations about this package. I regret it has been negotiated in the manner it has been by our leadership in the Senate.

I yield the floor.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. DASCHLE. Mr. President, we will be conducting a vote on cloture at 11:30. Prior to the time we have that vote, I want to make some final comments about what I consider to be the importance of bringing debate on the bill to a close and making sure that we have a good vote on cloture this morning.

We opened the debate with a recognition of how critical it is in this country, with this economy, that we recognize especially the importance of our globalized markets and the need to be competitive in them. Under the strong leadership of Senator BAUCUS and with help from Senator GRASSLEY, we put together a historic package of trade legislation that dealt first with the Andean Trade Preference Act, an act that has already proven itself to be invaluable to not only those countries in South America that have benefited directly from increased trade with the United States, but this country as well—a recognition that this trade partnership ought to be extended, a recognition that it is not only an economic partnership but a strong political one, and that if we can continue to provide political communication and coordination in a way that allows us better economic return, we are going to strengthen those countries politically as well as economically.

That is what ATPA does. It is an opportunity for us to reaffirm our recognition of a partnership of South American countries and our confidence that economic trade is good for both.

Secondly, we added legislation to this package that, for the first time, addresses meaningful assistance to those workers who are displaced as a result of trade. My view has always been that there are far more winners than losers in expanding our trade around the world. But we also recognize that there are some losers and some who, for whatever reason, may have been dislocated. When those occasions occur, I think our country owes those workers a future, owes those workers some safety net to ensure that their health needs and, hopefully, their short-term unemployment needs are addressed.

The Trade Adjustment Assistance Act that we have put into this package addresses that need. It does so very effectively. For the first time, trade adjustment assistance will help those

who have lost their jobs get coverage for health care under COBRA at 70 percent of the cost of the program itself. Seventy percent is an unprecedented statement about our commitment to those workers who have lost something as a result of changes in the environment that have been created as a result of job loss because of globalized market development.

We also provide new wage insurance legislation that helps older workers who may just be on the verge of retirement but not quite there. They are too old, perhaps, to get training for job relocation. They may be much closer to retirement than to the possibility of a better job through new training and the acquisition of new training skills. So this wage insurance is something the Heritage Foundation supports, something that trade study groups and think tanks have supported for many years, something that the U.S. Trade Representative also signed onto as an effective tool for assisting those who are also adversely affected.

So there is no doubt, when you look to the first two components, the opportunity for us to address workers who are adversely affected and the opportunity for us to extend the trading partnership with South America, I have no doubt that on that basis alone we have all the reasons we need to pass this legislation.

Finally, let me say the bill itself—the base bill—the TPA, trade promotion authority, provides us with yet another reason we should be supporting cloture this morning. We not only started with a good package; in my view, we improved upon it. We added the Dayton-Craig amendment on trade law that gives Congress an additional role, an opportunity for us to enhance the role as new trade agreements are presented.

We added the Dorgan amendment on transparency for the North American Free Trade Agreement, and the Kennedy amendment which helps us fight the AIDS epidemic all over the world. There were other efforts I supported that didn't become part of the bill, such as the Rockefeller amendment on steelworkers.

I must say that overall we have debated more than a dozen amendments, many of them very consequential. We have adopted eight of them. I believe the Senate has had the opportunity to work its will. There comes a time when the debate has run its course and we are called upon to bring that debate to a close and move on to final passage and other issues. I remind my colleagues that even after cloture we will have 30 hours of debate.

Senator BAUCUS just noted to me that there are a number of amendments still pending that will be debated and voted upon prior to the time we come to final passage of the bill. But this is our opportunity to say as strongly and unequivocally as we can that, first, we recognize the extraordinary importance of U.S. participa-

tion in global markets, and we are going to give this President—and any President—the tools with which to ensure that we have the framework in place to do so effectively.

Secondly, we recognize particularly the important partnership we have created with Latin America. We want to extend that partnership not only for economic, but political and diplomatic reasons as well.

Finally, we recognize there are those who are ultimately going to be adversely affected. And while they may be in the distinct minority of all workers affected and the greater realm of good created in this legislation, we cannot ignore them. We are going to provide them health benefits, wage insurance, and the kind of safety net that they deserve when this kind of circumstance befalls them.

This is a good package. This warrants our support. I hope my colleagues will join in a bipartisan effort to support cloture this morning in an effort to move to the final phase of consideration of this legislation prior to the vote on final passage. I urge my colleagues to support cloture.

I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, all Senators should recognize the very hard work the majority leader has put into this legislation, particularly, in my judgment, the underlying strongest piece, and that is trade adjustment assistance. The majority leader, along with the occupant of the chair, Senator BAYH, both pushed very effectively to address a large gap, frankly, in American trade policy, and that is the inadequate attention given to those who lose their jobs as a consequence of trade. They built up the trade adjustment assistance.

All American employees who may in the future lose or who have lost a job as a consequence of trade should recognize the efforts of the Senate majority leader, Mr. DASCHLE, as well as the present occupant of the chair, Senator BAYH of Indiana, who were the primary movers in drafting the cornerstone part of this bill. We all owe them a great debt of gratitude.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I will tell my friends and colleagues, both the majority leader and chairman of the Finance Committee, that I join them in urging our colleagues to vote in favor of cloture so we can move this bill on, so we can finish it. We have been on it now for almost a month. We have considered a lot of amendments.

That having been said, I do not agree with the process. The Senator from Montana knows that well. There are three bills that have been jammed into one. It is a very complicated bill. Two of the bills were reported out of the Finance Committee. We marked up those bills. They were included with trade

adjustment assistance which was rewritten on the floor. It did not come out of the Finance Committee. So I objected to that, and I objected to some of the amendments that colleagues tried to add. We fought those battles. We have had some good debate. We have won some; we have lost some.

Now is the time to have a cloture vote so we can bring this bill closer to passage and end the debate on trade promotion authority, which I happen to think is the most important provision in the bill.

I also believe the Andean Trade Preference Act needs to pass. Its authorization expired months ago, and tariffs were supposed to be imposed last week on four Andean countries that really need our help, tariffs as high as 15, 25, 30 percent on countries that have not had to pay those tariffs for the last 10 years. We need to assist those countries. It is not fair to Colombia, Bolivia, Peru, and Ecuador. They are our friends and allies. They have negotiated in good faith with the U.S. Government for a reduction in tariffs.

We have abided by that agreement for the last 11 years, and we said we were going to extend it. We have not done so. It is up to the Senate. That is our constitutional responsibility. We need to get that done.

I do not think the Andean Trade Preference Act should be in that package. I lost that debate. Senator DASCHLE and Senator BAUCUS decided to put it together. The only way we can help those countries is to pass this bill. If we do not get cloture, I am afraid the list of amendments will continue and never cease.

The only way I see getting to closure is to vote for cloture. I urge our colleagues, Democrats and Republicans: Let's vote for cloture; let's address those amendments that are still remaining that are germane postcloture. There will probably be a few. There is no reason we cannot finish this bill either later tonight or tomorrow sometime and get it to conference.

It is going to have a difficult conference because there are big differences. Frankly, the majority insisted on including trade adjustment authority and insisted on adding brandnew entitlements we have never had before in trade adjustment authority, including items such as wage insurance, which is almost anathema to the free enterprise system, but that is in this bill. We have to negotiate that with our House colleagues.

We have to negotiate a whole new tax credit to provide health care benefits that has never been a part of trade adjustment assistance. I am sure that is going to be debated extensively.

Anyway, it is going to be a very difficult conference. We need to begin that conference as soon as possible and hopefully come up with a bill that actually will promote trade, increase jobs, make us competitive, and help us to comply with international agreements.

I urge our colleagues to support this cloture motion.

The PRESIDING OFFICER. The Republican leader.

Mr. LOTT. Parliamentary inquiry, Mr. President. I believe we have about 6 or 7 minutes remaining. Five minutes. I yield myself some time under my leader time. That will still leave the final 5 minutes for the chairman and ranking member to speak.

I urge my colleagues to vote for cloture. We have been on this legislation for quite some time. I believe this is the fourth week we have been working on it, at least part of the time. We have had a number of amendments. We have won some, we have lost some, depending on your point of view. It has been a good debate. Senators have had a chance to offer amendments. It is time we bring it to a conclusion.

We need trade promotion authority for this President. We needed it for our previous President. I was for it when President Clinton was President. I think it is irresponsible for us not to have this authority to allow our Presidents, our administrations, to negotiate trade agreements that will help America and help our trading partners.

I do not want to get into a philosophical argument, but clearly it is the way America needs to go. We need to open markets, not be closing markets or closing our own markets. We can compete in the world trade market. We can produce more goods and more commodities. Our farmers need these markets, and this is the way to do it.

The second part of this legislation is the Andean Trade Preference Act. These countries in the northern tier and western side of South America are trying very hard to move toward economic growth, democracy, and freedom. They are doing a great job under very difficult circumstances—Ecuador, Bolivia, Peru, and of course Colombia.

It is very unfair that we have not already acted on this legislation. We are in an extension of time right now. Clearly, we need to pass this legislation. We need to separate the Andean Trade Preference Act and move it on in an expeditious way.

Last but not least is trade adjustment assistance. Different people will argue it is too much, it is not enough, but we have had trade adjustment assistance in the past. We do need to give some assistance to our workers, a bridge to the next job, maybe some training. There are health benefits. You can argue whether this is the best way to do it.

The bottom line is, we have done it. We have significant legislation in this area. When you put all of them together, it is time we bring it to a conclusion. If we vote for cloture now, we can finish this bill not later than tomorrow, and it would be a very high note for the Senate to finish up work before we go to the Memorial Day recess.

I urge my colleagues on both sides of the aisle: We have done a good enough

job. We should move to invoke cloture, stop the extraneous amendments, and then move to a conclusion.

I yield the floor, Mr. President. I suggest the absence of a quorum.

The PRESIDING OFFICER. Without objection, the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRASSLEY. Mr. President, I yield myself such time as I might consume.

The PRESIDING OFFICER. The Senator has 3½ minutes remaining.

Mr. GRASSLEY. Three?

The PRESIDING OFFICER. Three and a half.

Mr. GRASSLEY. Mr. President, with today's vote on cloture on the trade bill, we move one step closer to reestablishing the United States global leadership and credibility in trade.

We move one step closer to being better able to advance this country's economic interests in this hemisphere. And we will be one step closer to bringing greater economic prosperity to every American family. That is because with today's vote, the President will be one step closer to getting one of the most important tools he needs to strengthen the American economy, and to create new American jobs.

American leadership in trade has floundered for the last several years. We have seen over 130 preferential trade agreements signed by our trading partners in the last few years, none of which included the United States. This proliferation of preferential trade agreements among other nations—including major U.S. trading partners such as Canada and Mexico—is harmful to U.S. trade interests. These agreements provide their members with preferential access to one another's markets—while disadvantaging American agricultural products, manufactured goods, and many services.

Some American companies overcome these barriers by producing overseas. Many small- and medium-sized companies can't do this however, and because they are less competitive, they lose opportunity after opportunity to their foreign counterparts. This loss of competitive ability by our export-dependent firms, as well as our farmers, means fewer jobs.

It means lost wages or income. It means that hard-working American families aren't able to pay the mortgage, or the farm loan, or provide better education or other opportunities for their children.

Today, as we speak, the United States is engaged in new global trade negotiations in the WTO. We played a central role in launching these negotiations. Last year, we helped draft a Ministerial Declaration—a roadmap for the new round of trade talks—that contained nearly every one of our priority

negotiating objectives, particularly in agriculture. As a result, we are poised to win unprecedented new market access for American agricultural products around the world.

In my State of Iowa, we know how important trade is to the family farmer. We export more than \$1 billion worth of everything we grow or produce on the farm, accounting for more than one-third of total Iowa exports to the world. Our farmers, our pork producers, our soybean growers all depend on the income they earn from exporting to take care of their families and their communities. And the plain fact is, they would have more export-related income if world agricultural tariffs were lower, and other trade barriers were reduced.

Restored United States leadership in free trade will benefit other as well. An aggressive, American-led effort to open world markets will mean more jobs for our highly competitive manufacturing sector. At the John Deere plant in Waterloo, IA, for example, one out of every five tractors built in the plant is exported, accounting for over 800 export-related jobs. If we gain access to more overseas markets through lower tariffs, we could sell a lot more of these tractors and create more jobs. Our service sector, which provides nearly 8 out of every 10 jobs in the United States, is even more reliant on open world markets.

Because we are so competitive internationally, we have an \$83 billion trade surplus in services. Liberalization of trade in services is only 5 years old. The potential to build even more American export growth in services is tremendous. TPA will help us realize this potential. With today's historic vote, America's days on the sidelines are numbered. America is almost back in the game.

I want to commend Senator BAUCUS and his staff for all they have done in moving this bill forward, and for working on a bipartisan basis to help restore America's leadership in world trade.

Mr. President, I strongly urge my colleagues to vote "yes" on cloture.

I ask unanimous consent to have printed in the RECORD a letter from the White House.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE WHITE HOUSE,  
Washington, May 22, 2002.

Hon. MAX BAUCUS,  
Chairman, Senate Committee on Finance.

Hon. CHARLES GRASSLEY,  
Ranking Member, Senate Committee on Finance,  
U.S. Senate, Washington, DC.

DEAR CHAIRMAN BAUCUS AND SENATOR GRASSLEY: On behalf of the Administration, I wanted to thank you for all of your efforts to produce a bipartisan trade package. Those efforts appear to be nearing a successful conclusion with this morning's cloture vote.

It is our hope that a substantial majority of the Senate will vote to close off what has been a full and fair debate and then proceed to final passage of the bill. In that vein, I wanted you to know that the Administration

is opposing all further amendments to the bill. We hope that you will join us in order to ensure prompt passage of the bill.

Sincerely,

NICHOLAS E. CALIO,  
*Assistant to the President for  
Legislative Affairs.*

The PRESIDING OFFICER. The Senator from Montana has 37 seconds.

Mr. BAUCUS. I yield back the remainder of my time.

#### CLOTURE MOTION

The PRESIDING OFFICER. All time is yielded back. Under the previous order, the clerk will report the motion to invoke cloture.

The legislative clerk read as follows:

#### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on the Baucus-Grassley substitute amendment for Calendar No. 295, H.R. 3009, the Andean Trade Preference Act.

Max Baucus, Chuck Grassley, Orrin Hatch, Zell Miller, Blanche L. Lincoln, John Breaux, Mitch McConnell, Chuck Hagel, Robert F. Bennett, Christopher Bond, Ron Wyden, Ben Nelson of Nebraska, Patty Murray, Jeff Bingaman, Pete Domenici, Pat Roberts, and Harry Reid.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on amendment 3401 to H.R. 3009, an act to extend the Andean Trade Preference Act to grant additional trade benefits under that act, and for other purposes, shall be brought to a close? The yeas and nays are required under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from Hawaii (Mr. INOUE) and the Senator from New Jersey (Mr. TORRICELLI) are necessarily absent.

Mr. NICKLES. I announce that the Senator from North Carolina (Mr. HELMS) is necessarily absent.

I further announce that if present and voting the Senator from North Carolina (Mr. HELMS) would vote "no."

The PRESIDING OFFICER (Mrs. CLINTON). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 68, nays 29, as follows:

[Rollcall Vote No. 122 Leg.]

#### YEAS—68

Akaka	Collins	Inhofe
Allard	Craig	Jeffords
Allen	Crapo	Johnson
Baucus	Daschle	Kerry
Bayh	DeWine	Kohl
Bennett	Domenici	Kyl
Biden	Edwards	Landrieu
Bingaman	Enzi	Lieberman
Bond	Feinstein	Lincoln
Breaux	Fitzgerald	Lott
Brownback	Frist	Lugar
Bunning	Graham	McCain
Burns	Gramm	McConnell
Campbell	Grassley	Miller
Cantwell	Gregg	Murkowski
Carper	Hagel	Murray
Chafee	Hatch	Nelson (FL)
Cleland	Hutchinson	Nelson (NE)
Cochran	Hutchison	Nickles

Roberts  
Santorum  
Smith (NH)  
Smith (OR)

Snowe  
Stevens  
Thomas  
Thompson

Voinovich  
Warner  
Wyden

#### NAYS—29

Boxer  
Byrd  
Carnahan  
Clinton  
Conrad  
Corzine  
Dayton  
Dodd  
Dorgan  
Durbin

Ensign  
Feingold  
Harkin  
Hollings  
Kennedy  
Leahy  
Levin  
Mikulski  
Reed  
Reid

Rockefeller  
Sarbanes  
Schumer  
Sessions  
Shelby  
Specter  
Stabenow  
Thurmond  
Wellstone

#### NOT VOTING—3

Helms

Inouye

Torricelli

The PRESIDING OFFICER. On this vote, the yeas are 68, the nays are 29. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

Mr. BAUCUS. Madam President, I move to reconsider the vote.

Mr. REID. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

Mr. BAUCUS. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAUCUS. Madam President, Senator NELSON from Florida is ready to go with his amendment. I ask unanimous consent that it be in order for Senator NELSON to call up his amendment No. 3440.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The amendment is now pending. The Senator from Florida is recognized.

Mr. NELSON of Florida. Thank you, Madam President.

May I inquire of the chairman of the Finance Committee, it is my understanding that the number of the amendment that you just asked me to call up—I want to make sure that is applicable postcloture, because I have amendment No. 3454 that I understand is in order. It is the same subject matter, but there was some technical scrivener's reason of why there had to be two amendments instead of one.

The PRESIDING OFFICER. The Senate will come to order. The Senator from Florida has the floor on pending business before the Senate. Please take your conversations off the floor to the cloakroom.

The Senator from Montana.

Mr. BAUCUS. To answer my good friend from Florida, it is my understanding that either of the two could properly be called up at this time.

Mr. NELSON of Florida. I thank the Senator.

Mr. GRASSLEY. Reserving the right to object, I want to have a further un-

derstanding of where we are parliamentary-wise. The Senator from Florida is asking to take up a different amendment than the amendment that dealt with citrus?

Mr. NELSON of Florida. No. The amendment is the same. It is my understanding that for a technical reason, postcloture, it was to be divided into two amendments instead of one. It is the same amendment. I am just asking, before we start debating the amendment, to make sure we have the proper one called up.

Mr. BAUCUS. Madam President, further answering the basic question of the Senator from Florida, the amendment we have on the list that is ready to be brought up is No. 3440. That was my understanding; that is the amendment to be brought up.

Mr. NELSON of Florida. That is fine with me. I wanted to make sure we were in the proper legal structure because I had filed two other amendments that were the same subject matter that would be correctly drawn to the bill. As long as the chairman indicates that the one we had filed originally is OK, that is fine with me. The subject matter is identical.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Madam President, I have to temporarily object until we have an opportunity to study the amendment.

Mr. BAUCUS. Madam President, the order was already entered and no objection was heard. Amendment 3440 is the amendment that is pending.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Madam President, I raise a point of order against the pending amendment. It has a drafting error and it amends the bill in two places and is therefore out of order. I raise a point of order.

Mr. NELSON of Florida. The present amendment does not amend the bill in two places. The one that has been called up by the chairman of the Finance Committee is the original one. The junior Senator from Florida is purely trying to get the issue out so that we can discuss it. I was told that postcloture it had to be drafted in a separate way. It is an identical amendment.

I will proceed with the amendment on the reliance of the statement by the chairman of the Finance Committee.

The PRESIDING OFFICER. The point of order is well taken. The amendment as drafted to amend the bill in two places is out of order on its face.

Mr. NELSON of Florida. Madam President, do I have the floor?

The PRESIDING OFFICER. The Senator from Florida does have the floor.

Mr. NELSON of Florida. Madam President, I will continue to speak on the amendment, and for whatever reason you all are objecting, I wish you would find out what technical reasons you have for an objection. I assure everyone, this is the identical matter.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Madam President, I think we can clear this up. I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from Florida.

Mr. NELSON of Florida. Madam President, I do not want to relinquish the floor. I yield to the Senator from Nevada without losing my right to the floor.

Mr. REID. Madam President, I ask unanimous consent that we go into a quorum call with the Senator from Florida recognized when we come out.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. NELSON of Florida. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3454 TO AMENDMENT NO. 3401

Mr. NELSON of Florida. Madam President, pursuant to the discussions we have had, I call up amendment No. 3454 and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from Florida [Mr. NELSON], for himself and Mr. GRAHAM, proposes an amendment numbered 3454.

Mr. NELSON of Florida. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To limit tariff reduction authority on certain products)

At the end of section 2103(b), insert the following new paragraph:

(4) PRODUCTS SUBJECT TO ANTIDUMPING AND COUNTERVAILING DUTY ORDERS.—Paragraph (1) shall not apply to a product that is the subject of an antidumping or countervailing duty order at the time of the agreement referred to in paragraph (1), unless the agreement provides that as a term, condition, or qualification of the tariff concession, the tariff reduction will not be implemented before the date that is 1 year after the date of termination or revocation of such antidumping or countervailing duty order with respect to all exporters of such product.

Mr. NELSON of Florida. Madam President, I rise today to address the Senate on trade promotion authority and the opportunity this country has before it to participate in free trade.

I am a free trader. I believe it is a net benefit for both my State and the country to reduce tariff barriers and open markets to other nations.

We must do this in a manner that respects fair trading practices by important industries in the United States that are the engine of our economy. Need I remind everyone that in the war against terrorism, it is not only that

we have to be politically and militarily strong, but we have to be economically strong as well?

There is some debate over our last free trade agreement with Mexico and Canada. I was a supporter of NAFTA and believed it was an important part of the economic growth the United States experienced in the decade of the 1990s. But NAFTA arranged for side agreements relating to certain industries our trading partners did not live up to. One of those clearly affected Florida. It was a side agreement that was going to be protective of winter vegetables, specifically tomatoes. That side agreement was not lived up to with regard to the importation of Mexican tomatoes, with the result that whereas Florida used to have a huge percentage of the national market of winter vegetables, we now supply only 30 percent. You can imagine what that has done to some of the fruit and vegetable farmers in Florida.

As we open our markets to all of the countries of the Western Hemisphere, we must consider how we can learn from and prevent these kinds of situations we have had in the past with things such as NAFTA and how we can prevent that from occurring in the future. That is why Senator GRAHAM and I have introduced this amendment to the TPA legislation that cuts right to the heart of free and fair trade.

This amendment says tariffs may not be reduced on commodities on which there is an existing antidumping order or an existing countervailing duty order. What does that mean? Well, I am going to explain it, if I may. When the executive branch, the Congress, or particular industries believe a certain nation is engaging in some kind of unfair trade practice on a particular commodity, then they go out and petition the International Trade Commission to investigate the trade of that particular commodity. That is what has happened with the recent steel case. If a thorough investigation by the International Trade Commission finds that an important product is being sold below fair market value and that a U.S. producer is thereby being harmed, it is considered dumping, an anti-competitive practice. Dumping is, in essence, price discrimination against U.S. consumers.

Now, there is another kind of order. This is an order that if a foreign government is subsidizing a particular commodity—a foreign government subsidizing a particular commodity—then that order would provide that those foreign manufacturers, or exporters—because they have that unfair competition because their government is subsidizing their particular commodity, and they are going to have an unfair competitive advantage; therefore, the Department of Commerce would issue a countervailing duty order.

So it follows that if a country or company is found by the International Trade Commission, or the Department of Commerce, to be actually engaging

in unfair trade practices in such a clear-cut manner that it is issued either an antidumping or countervailing duty order, then under this amendment, while those orders are in place, those tariffs would not be reduced on those commodities until that dumping, or subsidizing, had ceased and the order had been removed. That is just as common sense as you can make it.

If you have anticompetitive behavior by a foreign government or foreign countries and there is an order out there put in place by the Department of Commerce or the International Trade Commission, as long as those orders are in place, you are not going to let the tariff be reduced that protects the U.S. consumer because it simply doesn't make sense to reward countries by further opening U.S. markets to commodities that are currently being dumped in the country by our trading partners until the dumping has ceased.

Now, some may argue that this amendment is not compliant with the World Trade Organization, the organization that administers trade agreements among nations, the organization that acts as a forum for trade organizations, the organization that settles trade disputes, and the organization that reviews trade policy. Well, some may argue that this amendment doesn't comply with that. I disagree.

First of all, the World Trade Organization's compliance should be judged based on the substance of trade agreements. This legislation is not the substance of trade agreements; rather, this legislation states the terms by which Congress will consider providing fast-track authority to such trade agreements. World Trade Organization compliance will be assessed later when a trade agreement is completed. So that argument doesn't wash as a counter to BOB GRAHAM's and my amendment.

Second, they might argue that this amendment provides a double penalty upon countries that practice anti-competitive behavior. Well, that argument is not accurate either. It is widely understood that antidumping orders are not viewed by the WTO as punitive. Instead, they are viewed as remedial.

Finally, some would argue against this amendment and act as if tariff reductions are a divine right. Tariff reductions are not a divine right. Tariff reductions should be viewed and approved on their face after consideration of all the facts. They should be viewed as mutually beneficial in a bilateral or multilateral scenario. Withholding a benefit should not be considered assessment of a penalty.

I might also add that this amendment of Senator GRAHAM's and mine does not violate the core basis of the Uruguay Round of tariff negotiations, and ultimately that Uruguay Round created the World Trade Organization. WTO compliance is not an issue in this debate. Instead, it is being used as a red herring to try to defeat this amendment.

For all of these reasons, I submit that this legislation doesn't violate the norms of the WTO and, actually, should strengthen the administration's hand at the negotiating table. Let me say that again to my friends in the administration, who have fought Senator GRAHAM and me tooth and toenail on what is free and fair trade. This amendment will actually strengthen your hand at the negotiating table by being another instrument to help you make sure there is free and fair trade, as we want to open up free and fair trade.

While the \$9 billion Florida citrus industry is a concern to this Senator and my senior Senator from Florida, this amendment clearly affects many other commodities, including honey, steel, preserved mushrooms, Atlantic salmon, and sugar, and a whole number of other items I am going to list. We must not reward countries that engage in anticompetitive, predatory trading practices.

Madam President, my concern that we not undermine our antidumping procedures does not make me any less of a proponent of trade promotion authority in the best interests of my State and the country. Florida is an exporting State, and exports mean good jobs. According to the Department of Commerce, 11 greater Florida metropolitan areas posted exports of more than \$120 million in 1999: Miami; the Tampa Bay area; Fort Lauderdale; Orlando; the West Palm-Boca area; Jacksonville; Melbourne, my hometown in the Brevard County area; Lakeland; Sarasota; Panama City; and Daytona Beach. Florida exported goods worth \$24 billion in that year to more than 200 foreign markets.

These goods include computers, electronic products, machinery transportation equipment, chemical manufacturing, electrical equipment, appliances, and agricultural products. Trade promotion authority has the potential to open markets to Florida's entrepreneurs and small businesses and farmers.

I have been contacted by many Floridians asking me to support TPA, and I have by voting for cloture so we can move on with this bill. I helped out the Senator from Texas yesterday when there was an amendment that was threatening the stability of the bill. I ask my colleagues to support TPA, and I also ask our colleagues to support this amendment of Senator GRAHAM and me that improves the underlying legislation and would ensure we have free and fair trade.

I will tell my colleagues how important this is—other than to Senator GRAHAM and me for frozen orange juice concentrate, of which Brazil has 50 percent of the world market. If that tariff protecting the Florida citrus industry, the California citrus industry, and the Arizona citrus industry from unfair competition by dumping a product is taken away, Brazil, with 50 percent of the market, will take over 100 percent of the market, and that is not free and fair trade.

I do not know why the Senator from Texas and others—we talk about the purity of the legislation. I helped him yesterday. I cannot understand. We are talking about free and fair trade. We are not talking about monopoly trade which will occur to the detriment of California, Arizona, and Florida unless this amendment is adopted. There are plenty of other States, I say to Senators, that better be forewarned and forearmed that if they do not protect this legislation with this amendment, then those orders protecting the commodities from their States are not going to be protected in the future.

Let's talk about some of them. How about Indiana, Ohio, Pennsylvania, New York, Maryland, and Illinois with regard to steel products—steel products including barbed wire, welded carbon steel pipe, line and pressure pipe, oil country tubular goods, hot-rolled carbon steel flat products—all of those products that are manufactured in Senator LUGAR's State of Indiana.

The two Senators from the State of Ohio, Senators DEWINE and VOINOVICH, and the two Senators from Pennsylvania: Are you paying attention?

The Senators from New York: Are you paying attention?

Maryland, Illinois: You are going to lose the protection of your steel products and the orders that are out there protecting them unless you vote for this amendment.

Let's take honey. The Senators from Montana, North Dakota, South Dakota, and California—California has a big honey industry: You are going to lose your protection of those existing orders if this amendment is not adopted.

How about sugar? Sugar is going to be threatened by Belgium, France, and Germany, and I am talking about Louisiana, Hawaii, Texas, California, Idaho, Michigan, and Minnesota.

I inquire, Madam President, it is my understanding the side proposing the amendment has 1 hour; is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. NELSON of Florida. I thank the Chair.

I want to make sure those interests that are protecting sugar from the European Union, Germany, France, and Belgium, which include Louisiana, Hawaii, Texas, California, Idaho, Michigan, Minnesota, New Mexico, North Dakota, Ohio, Oregon, Washington, Wyoming, Nebraska, and Montana—do you realize that your commodities are threatened if you cannot protect them with your existing orders?

Let's talk about some of the steel products that would be threatened by Brazil. Carbon steel butt welded pipe fittings, iron construction castings, brass sheet and strip—and I could go through a whole list of steel products. Indiana, Ohio, Pennsylvania, New York, Maryland, Illinois, Wisconsin: Senators, are you listening?

How about fresh Atlantic salmon from the States of Maine and Alaska?

Senators from Maine, Senator COLLINS, and Senator SNOWE: Are you listening? Your orders protecting the dumping of products out of Chile are not going to protect your salmon.

Senator MURKOWSKI: Are you listening? You are not going to be protected from Chile's dumping of Salmon unless you protect those orders that are outstanding.

How about Oregon's mushrooms being protected from Chile? If they do not keep those orders and they allow those orders to be cast aside and the tariff to be reduced, it is not going to protect them.

How about Alabama, Georgia, Texas, and Kansas on the cement industry being protected from Mexico? Senators from Alabama, Senator SHELBY and Senator SESSIONS: You are not going to be protected on your orders that protect your cement industry unless you protect those orders from being undermined by the adoption of this amendment.

What about the State of New York? Antifriction ball bearings being protected from Singapore. There is an order there.

How about Montana, the Dakotas, and California, as I mentioned earlier on honey? The last time I mentioned honey, it was Argentina. Your products are not going to be protected.

Also in Argentina, they produce hot-rolled carbon steel flat products, and Indiana, Ohio, Pennsylvania, New York, Maryland, Illinois, Senator FITZGERALD, they are not going to be protected, those same States being protected from Brazil on a countervailing duty.

Earlier, I talked about the antidumping orders, honey from Argentina, hot-rolled carbon steel flat products from Argentina; steel products from Brazil has another kind of order against it, according to the Department of Commerce, because they have evaluated the situation and determined those two countries have unfairly subsidized those products I just listed—honey, affecting Montana, the Dakotas and California; Argentina, affecting hot-rolled carbon steel flat products affecting Indiana, Ohio, Pennsylvania, New York, Maryland, and Illinois; and Brazil, affecting a multiplicity of steel products; that the governments were, in fact, subsidizing those products; that the Department of Commerce of the United States would have an order to protect those products.

Folks, this is a foreign country subsidizing against the products coming from your States, the U.S. Department of Commerce issues an order, and that order is going to be in jeopardy of being ignored unless you adopt our amendment. It is a commonsense amendment. It is an amendment that simply states that as long as there is an order from either the International Trade Commission or the U.S. Department of Commerce protecting a commodity because it is being unfairly dealt with in anticompetitive behavior



in international trade, that as long as that order exists, this amendment says you cannot reduce the tariff.

Madam President, to retain the floor, since we have had some squabble, I yield to my colleague, and upon the finishing of his remarks, I seek to retain the floor. I yield to my colleague from Florida.

The PRESIDING OFFICER. Is the Senator seeking consent to that effect? Mr. NELSON of Florida. Yes.

Mr. GRAMM. I object.

The PRESIDING OFFICER. The objection is heard.

Mr. GRAMM. The Senator cannot control the floor.

The PRESIDING OFFICER. The objection is heard.

Mr. NELSON of Florida. Then, Madam President, it is interesting we are talking about free and fair trade. What we ought to have is free and fair debate. Earlier, because of some technical reason, people from that side of the aisle were trying to prevent me from offering my amendment that I have been waiting in the queue very patiently for weeks to offer. I have become a constant visitor with the chairman of the Finance Committee and with the ranking member, seeking to protect an industry from Florida facing life or death, an industry that is so important to the State of Florida that the license tag of the State of Florida has emblazoned upon it the emblem of that industry, the Florida orange.

I thought about free and fair trade we could have a free and fair debate. So, Madam President, I have said my piece. I will relinquish the floor. I hope others will accord me the privilege within the span of the hour, that should additional things arise, they will give me the courtesy of being able to speak. I thank the Senate for indulging us and giving us an opportunity in which to air an issue that is most important to all of these States and most important to the United States of America.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Madam President, let me first respond by saying each Senator has a right to the floor. No one can prevent a Senator from having an opportunity to be recognized. Second, the Senator is offering this amendment now because of the willingness of the chairman and the ranking member and every Member of this body to allow him to jump ahead in line of literally dozens of amendments that were filed earlier and that could have been offered before his amendment.

If we had followed the rules of the Senate, instead of granting the Senator special privilege, we would have had a fairly substantial number of amendments that we would have had to deal with before he could have ever presented his amendment. I don't know if there is any perception of a grievance here. A, I am sorry; and, B, I don't think there is a basis for it.

Now, let me address the substance of this amendment. It always amazes me when people are free traders and all they can talk about is your commodities are threatened and you are losing protection. This amendment is a protectionist amendment. This amendment is an effort to take all those products the Senator mentioned off the table in terms of future negotiations, even if the negotiations have to do with eliminating unfair trade practices.

It is also based on a false premise. Every Member of the Senate should understand this false premise. The false premise is that if there currently is a countervailing duty or an antidumping order on a product from Texas—let me take honey; I don't know that there is such an order, and I am not seeking such an order, but for every honey producer I have, I probably have 500,000 honey consumers. So it always is amazing to me that everyone is willing to let consumers pay a higher price by preventing competition, but let me just take my example—say there was a countervailing duty on honey, that we concluded that honey was being sold too cheaply to schoolchildren. It is an excellent source of nourishment, an excellent product people like to eat. But it is being sold too cheaply. We don't want them to have it that cheaply. So we have a countervailing duty on it.

Listening to the Senator from Florida, one would assume that if there is a trade negotiation put into place and is consummated, and in that process we change the duty on honey, that it overrides the antidumping agreement. That is totally and verifiably false. Let me say that again. If there is a countervailing duty on honey, if there is an antidumping order on honey, and under this bill the President negotiates a trade agreement, say, with Chile, that affects honey—it does not override the countervailing duty, does not override the antidumping order—those orders would still stand until they are removed.

In listening to the Senator from Florida, you get the idea that the President can negotiate away these antidumping orders. Not so. They still stand until they are removed.

If you look at the language of the Senator's bill, it is clear his concern is not with countervailing duties and dumping, even if they are removed. Even if the cause of their imposition is eliminated, you cannot negotiate a trade agreement involving those items for 1 year after the problem is fixed. In the end, this amendment takes off the table in trade negotiations literally hundreds of items.

Let me argue why that should not be done. We are trying to promote trade. We are trying to see a benefit from trade through competition.

Second, how can the President negotiate with countries if we are taking all the things they produce—the things they are most sensitive about, the things they are most concerned about,

and the things they have a comparative advantage in—off the table? If this amendment were adopted, it would be a body blow to our whole effort to negotiate free trade agreements with countries such as Chile, countries that are major agricultural producers.

I remind my colleagues what the Senator's amendment does is deny the ability to negotiate a trade agreement containing these items, even though the fact they are contained in the agreement does not override a countervailing duty, if the agreement is ratified by the Senate, does not override a dumping order. We simply have this being used as a ruse to take numerous items off the table.

We are down to the point now where we have debated, for many weeks, the effort to give the President fast-track authority. The administration is adamantly opposed to this amendment because they believe it guts the very foundation of trade promotion authority and it does it in two ways. It takes off the table numerous items that are important to other countries, in terms of their negotiation and, quite frankly, important to us.

Part of a trade negotiation can be aimed at unfair trade practices where, if a country is subsidizing steel or some other product, part of the trade negotiation can be to require, as part of what they are giving in return for our opening markets here, they are opening their markets there—part of what they can give up is these subsidies. But the amendment of the Senator would say: No, those negotiations cannot occur within the context of trade promotion authority, even if the negotiations occurred, unless the antidumping order were vacated. Unless the countervailing duty were overturned because the causes of it were changed, nothing in this new free trade agreement would have any impact.

If Chile is dumping honey—and, God forbid, because schoolchildren would be getting honey too cheaply and they would be harmed, I guess—but if Chile is dumping honey, under this amendment you could negotiate a trade agreement that involved honey, even though no trade agreement we could negotiate would overturn the countervailing duty. It would still be in place. Only if it is removed in the future because the underlying cause is removed, then the trade agreement would go into effect.

The Senator talks about life and death of his State. We already have in the bill a limitation on the ability of the President to negotiate in the area of frozen concentrated orange juice, one of America's great foods. Every child in America should drink orange juice every morning. Yet we have prohibited the President from having full power to negotiate with regard to frozen orange juice. Why? Basically because this industry wants protection. We have chosen between orange juice producers—and I have some in my State—and all the children in America

who ought to be drinking orange juice in the morning.

Talk about unfair trade practice, that is one of them. The point is, it is not as if we have not already given special protections to the very industries the Senator is talking about. What he is doing is trying to take off the table a massive range of items that, in reality, would say that you could vote for trade promotion authority knowing no trade is going to be promoted. This amendment would destroy the foundations of trade promotion authority and it should, and I believe will, be beaten.

But I finally want to address one point that I have just been dying to address throughout all these debates. Some people act as if you can have trade without having trade; that when you enter into a free trade agreement it is fine to have trade as long as your trading partner doesn't sell anything in your country.

I have been on the Finance Committee for some time now. The Senator from Florida mentioned tomatoes. When we entered into a free trade agreement with Mexico, they started selling a lot more tomatoes. I am a big tomato buyer. I speak with some authority on the subject. Why is Mexico selling all of these tomatoes? For two reasons. No. 1, they are better; they taste better. If you have not compared a Mexican tree-ripened tomato with a domestically produced tomato then you are making a bad mistake. I ask anybody in America to submit to the taste test. The Mexicans have sold more tomatoes for one simple reason—well, two, really, but one is dominant: It is a better product. It is a superior product. You can taste it and you can taste the difference.

The reason they can do it is they handpick these tomatoes and they put them in these cartons like egg cartons. They are ripened when they are picked, they ship them to market, and people buy them.

It is true that the people who were producing tomatoes before we entered into the agreement are not selling as many tomatoes, but what is trade about? If trade is not about letting superior products displace products that are not as good, what is the purpose of it?

The second reason they sell more tomatoes is they are cheaper. So how in the world can we claim we are for free trade, we want more trade, but then we protest, we are self-righteous, we are outraged, when our competitor, producing a better product at a lower price, is successful?

People are for free trade but they are not for trade. They are for opening markets as long as nobody sells anything in the United States. It is amazing to me, the convoluted way we see trade. If we could just send everything we own abroad, people would be happy. Exporting they love—just give it away, let it go—but if we bring anything to America, somehow, something is wrong with it.

I close with this point. It is interesting how differently we view the world today on this issue than it has been viewed historically. I go way back by quoting Pericles. When Pericles spoke in the funeral oration, and he was trying to sum up the greatness of Athens, it is interesting that the example he came down to was imports.

The luxuries of the world are as freely available in Athens as they are at those places in the world where those items are produced.

The greatness of America is that people we do not even know, who do not even know us, are working to produce things to bring to our market that we can consume. You have products coming on trains and boats, this whole effort, all aimed at bringing to our feet the benefits of trade. Because we are the one nation in the world that understands how we benefit.

Look, I am sympathetic. I have lots of people in my State who have lost from trade, who could not compete. But has the Nation lost? If I had tomato producers in the valley who lost their markets to Mexican tomatoes, they have lost. But has America lost if we have better tomatoes at a cheaper price? And what will Mexico do with that money? Every dollar they get, they are going to spend on American products.

We know from trade data that the wages in those industries where they are going to buy products are 16 percent above the norm.

I submit with all respect that when we focus on trying to protect people from losing from successful trade, rather than focusing on trying to develop more winners, we miss the genius of the product.

Finally, provisions in this bill—which I do not support but are in the bill and I voted for cloture and I am going to vote for the bill—say that if you are a tomato producer and you lose your job, you get 2 years of unemployment benefits, you get 70 percent of your health care cost, you get a wage guarantee. Whereas, if other people lose their jobs because a terrorist blew up a plant they worked at, they get 26 weeks of unemployment and nothing else. So it is not as if we are not trying to cushion people who happen to lose from successful trade.

I submit that this amendment is protectionist and that it aims at protecting industries from competition. It is based on the false premise where it tries to get people to believe that by letting the President negotiate in areas where we have antidumping and countervailing tariffs, somehow those negotiations overturn those tariffs and those countervailing duties. They do not. Those stay in effect until they are removed, even if there is a free trade agreement.

I have not proposed—and I don't know anyone who has proposed—that they be removed because of the free trade agreement. The source of unfair trade has to be eliminated for those

countervailing duties and for the antidumping measures to be repealed.

But to simply say, even though they will not be changed by free trade agreements, that you can't even negotiate a free trade agreement that would involve products that are currently subject to these penalties, even if the negotiations are aimed at eliminating the subsidies, and then saying even if you eliminate the penalties, even if you find they have stopped dumping for a year after there is no problem, you still can't negotiate an agreement—it seems to me that the sole purpose of such an amendment is to prevent the President from negotiating agreements.

The problem with it is that we want to negotiate because we want everybody in the world to have an opportunity to fly on a great airline or to use the finest computers or to buy things we produce. But in order for people to be willing to let our products into their markets, we have to let their products into our market. There is no such thing as a single-entry bookkeeping system where people say: Well, whatever is great for you we agree to, but then nothing that is great for us can be considered.

I urge my colleagues to reject this amendment.

Let me tick off some of these States. If you were from Texas—and I am, and I thank God for it every day—and we have honey producers—and I thank God for them, too—and they were subject to protection under antidumping, and the President under this bill negotiated a free trade agreement with Chile—which I hope he will, and I am for it—it would help Chile, and it would help America; it would be good for the world.

Please understand that will not overturn countervailing duties against honey. It will not overturn antidumping measures against honey.

The same is true for steel from Pennsylvania. The same is true for avocados from Arizona or from California. Nothing in our bill gives the President the power to negotiate eliminating antidumping measures or countervailing duties. He can negotiate tariff reductions that go into effect once those problems have been solved. But a treaty negotiated under this bill does not override those measures. Since it doesn't override those measures, why in the world would you want to ban the President from negotiating in these areas?

It seems to me there are two reasons. One is you are confused—I don't believe any Member of the Senate is confused—or you want to protect these items from competition. It would be great if you had this view of the world and would not let people competing with us sell anything. We sell everything. That is a strange view of the world. But some people have it. But nobody else will do that.

If you implement all of these restrictions, just understand, when the Senator from Florida went through that -

long list of things that could not be negotiated—it was a long list; I am sure he has more—and asking if Senators were listening—how would you ever negotiate a trade agreement if you couldn't negotiate any of those items? Those are all items we import. I can assure you that Chile or Europe or whoever is negotiating with us is very interested in those items.

So I urge my colleagues to reject this amendment. We have shown by an overwhelming vote that we want to give the President trade promotion authority. To go back now and enact a gutting amendment that would destroy the whole trade authority for the bulk of items that America buys on the world market would mean it is not useful. It would be like giving the President a car without an engine or wheels. You could say you gave him 90 percent of a car; it just doesn't have a starter. What good is it? You can look at it, you can sit in it, but you can't do with it what cars are supposed to do.

If we give the President this trade authority but we don't let him enter into any agreement in all these different areas, what have we given him? Something nobody will let us use in negotiating with them.

I urge my colleagues to reject the amendment and vote for the motion to table.

I yield the floor.

The PRESIDING OFFICER (Mrs. CARNAHAN). The Senator from Florida.

Mr. NELSON of Florida. Madam President, it is my understanding that the Senator from Iowa wants to speak. I would simply defer if he would like to speak. But in light of the fact that he is not seeking recognition, let me address some of the points the Senator from Texas, my friend, has just raised.

The Senator from Texas said the President can negotiate. The fact is that this amendment will help the President in his negotiations, for addressing the question of the existing orders in trade negotiations is ultimately going to foster that negotiation. The question is not whether the President and the administration can negotiate. Clearly, the President is unimpeded in that ability to negotiate. The subject of this amendment is whether or not, when there are orders existing, they have to be taken into consideration in the negotiations with regard to the reduction of a tariff.

Mr. GRAMM, the Senator from Texas, asserts that clearly 100 items with existing orders and protection from anti-competitive behavior would be taken off the table. He is right.

The Senator and I agree on two things. First of all, we support the overall legislation as free traders. We certainly agree that there are lots of items. All of these items are covered by antidumping orders or countervailing duty orders. This amendment forces the President to address the anti-competitive behavior that led to the order being issued in the first place.

Who issues the order? If it is anti-competitive behavior through dumping

of a product onto a market and trying to drive the U.S. competitor out of business, then it is the U.S. International Trade Commission. If it is the anticompetitive behavior of a foreign government that is subsidizing the product to the disadvantage of the American product, then the order is issued by the U.S. Department of Commerce.

So this amendment does not deny the ability to negotiate. It does assist the negotiations. I think in this arcane language of trade promotion, and so much of which we refer to by acronyms—TPA, and TAA, and whatever the acronym is for the Andean Trade Act, which I support—it is often lost over the bottom line of what is free and fair trade. We, of course, want international trade. We want competition.

So as I see my colleague from Florida in the Chamber, who wants to speak on this amendment, I will just again reiterate the points that I made before in rebuttal to the Senator from Texas.

First of all, in relation to World Trade Organization compliance, whenever anybody says this is going to mess up the process of the WTO, well, the WTO compliance should be judged based on the substance of trade agreements. With this particular amendment, the substance of the trade agreement is not harmed, but, rather, this amendment states the terms by which the Congress will consider providing the fast-track authority to such trade agreements. The World Trade Organization compliance will be assessed later when a trade agreement is completed. It does not impede the President's ability to negotiate at all.

Second, when the opponents of this amendment say this amendment provides a double penalty upon countries that practice anticompetitive behavior, that is not accurate. It is widely understood that antidumping orders are not viewed by the WTO as punitive, that they are viewed as remedial.

Third, let's understand that tariff reductions are not a divine right. Tariff reductions should be viewed as mutually beneficial as we go about the process of bilateral and multilateral negotiations. Withholding of a benefit should not be considered assessment of a penalty. Rather, what we should try to strive for is the goal, at the end of the day, of free and fair trade, not the running of a particular business or industry out of business just for the sake of doing that, when, in fact, there are existing orders to protect them against anticompetitive behavior.

Madam President, I yield the floor and look forward to the comments of my distinguished senior Senator from Florida.

The PRESIDING OFFICER. The Senator from Florida.

Mr. GRAHAM. Madam President, I am very pleased to join this afternoon with my colleague, Senator NELSON, in offering this amendment to the trade legislation.

I am a strong supporter of expanded trade. I believe in the principle that if

the world trades with each other, it will not only give us greater assurance that competition will be in commercial areas, not in military areas, it also gives to the world the opportunity to get the best quality and priced products that are available.

I believe in competition and that the United States will, in the future, as it has in the past, fare very well if that competition is fair. Free trade does not mean trade with rules of anarchy. Free trade is associated with fair trade, trade that is under a rule of law that sets certain standards of behavior for the participants, whether they be nations or individual economic entities in that trade.

Madam President, as you will recall, we spent a considerable amount of time last week debating what is known as the Dayton-Craig amendment. That amendment, offered by our distinguished colleagues from Minnesota and Idaho—one a Democrat, one a Republican—essentially said this: That while we were granting, with the Trade Promotion Act, broad authorities to the President to negotiate, and we were giving to the President our future right to amend those negotiated agreements by accepting the fact that whatever is negotiated we could either provide a green light of "yes" or a red light of "no," but we could not offer a yellow light of "caution" or "modification," but that we were going to exclude certain items. We voted, therefore, for the Dayton-Craig amendment, which said that from that general policy of providing the President broad negotiating authority, we were going to exclude certain items and require that they be brought back to the Congress for a vote on those items, specifically without the protection of fast track.

First, what was it that we protected? We said if our negotiators were to negotiate and alter the basic laws that this Nation has developed over the years, which give us greater assurance that trade will not only be free but fair, those matters would require specific and individual congressional approval.

The first provision was the antidumping provision. Antidumping is where a specific commercial entity is alleged to be trading in a product at a price which is below that company's cost of production in the country in which it produced the product. So that whether it is an agricultural product or an industrial product, America is not going to become the ultimate target for predatory marketing practices, where an entity that has a product of which it cannot otherwise dispose dumps it on the United States market at a price below what it cost them to produce, therefore threatening the survival of American enterprises which have to sell their product at least at what it cost them to produce or they will be out of business and their workers will be out of jobs. That does not seem to be an unreasonable provision.

The second provision that the Dayton-Craig amendment gave special

treatment to was countervailing duties. What is that? Those are directed at nations which have practices that subsidize a particular product, so that when it is sold, it is effectively sold at less than what should have been the cost of production. That is where a government provides special benefits that distort the competitive marketplace.

Those are the two areas that were protected from fast track by the Dayton-Craig amendment. Those were adopted by the Senate by a substantial majority. We have done this because we recognize the importance of protecting the international marketplace of commerce from these trade practices which could be so distorting and which would defeat one of the basic principles of free trade which is that you encourage competition on a level playing field and whoever can prevail on that is the victor. This tilts the playing field toward one company or one country because of practices that distort that level playing field.

The amendment that Senator NELSON and I are offering today is the implementation of the objective of the Dayton-Craig amendment. Dayton-Craig intends to assure us that we will continue unless the Congress—and I think it is unlikely—would vote to eliminate our current laws against dumping and against providing government subsidization at below the cost of production—but assuming that those basic principles of fair trade prevail, what our amendment says is that the reduction in tariffs that are provided under the Trade Promotion Act “shall not apply to a product that is” at that time “the subject of an antidumping or countervailing duty order . . . unless”—and the Senator from Texas, my good friend whom I respect and refer to as my Teutonic cousin, did not mention the provision—“unless the agreement”—that is, the trade agreement which purports to change the tariff on a particular product—“provides that as a term, condition, or qualification of the tariff concession, the tariff reduction will not be implemented before the date that is 1 year after the date of termination or revocation of such antidumping or countervailing duty order with respect to all exporters of such product.”

Under our amendment, our negotiators would be authorized to negotiate tariff concessions, but at the same time they would have to negotiate appropriate conditions or qualifications that would assure to the United States that those concessions would not be implemented until 1 year after that country or that company has met the requirement to rid itself of the antidumping or anticountervailing duty provision, which means that they had stopped the predatory practices that had disrupted the level playing field of international commerce.

I do not find that to be a radical or extreme position. If you believe we should have these methods of enforcing

fair trade, antidumping and countervailing duties, then certainly you have to believe we should have the means of protecting ourselves against a country which has violated those laws, is under a sanction for that violation, and is now trying to get tariff concessions to increase their ability to act in a predatory way against the United States.

This issue should not be partisan. It should not be regional. It should not be a provision which divides the Senate, in my judgment, particularly based on the vote we took last week on Dayton-Craig. It ought to be a unifying amendment.

This issue has been a unifying issue in our State of Florida. I will submit for the RECORD a letter which was sent today by our State Governor, Jeb Bush, to both Senator BAUCUS and Senator GRASSLEY. I will submit it for the RECORD, but let me read in part:

I fully recognize the importance of supporting free but fair trade for all concerned. However, Florida's citrus industry has been forced to compete for years with countries that implement unfair trade practices, forcing the industry into financial decline. I support legislation that would require trade negotiators to take into consideration agriculture products that have been subject to antidumping or countervailing duty orders before negotiations begin.

I believe this is a very important amendment, if we are dedicated to the principle of providing our President the capability to negotiate to expand trade in the United States. But we have reserved for the Congress the right to review specifically any changes that are made in that process that relate to our ability to enforce fair trade.

And now with this amendment, we would give real teeth to that sanction by saying, having preserved our ability to maintain a level playing field of fair trade through the ability to impose countervailing duties against a nation or antidumping orders against a particular commercial entity, now we can give strength to that by saying, if you are under those sanctions, either one, you would not be eligible for tariff concessions until you had purged yourself for 1 year of those predatory practices.

I believe we should send a very strong signal to our trade partners that if they are willing to play by the basic rules of fair international commerce, we are prepared to open our markets even further to them. But until they are willing to do so, until they are willing to give up their previous practices that have distorted that international market, they will have to pay the price of those actions in the form of their noneligibility to receive any tariff concessions from the negotiations by our President which will be eventually submitted to this Congress for its up-or-down vote.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Madam President, I thank our colleagues from Florida, Senator GRAHAM and, in particular in this case, Senator NELSON. They are really good Senators. Senators are

elected to defend the interests of their State and defend their people and try to help economic growth and development in their States. We all do that, all of us as Members of the Senate. For those folks in Florida who may be watching and are interested in this subject, I want them to know that their two Senators are doing a great job. I hear from Senator NELSON and Senator GRAHAM constantly on this issue: What we can do; how can we work this out; how can we compromise; what can we do to help here. I commend the two of them for their very strong, valiant effort.

This is a subject with which we are wrestling. We have to make a judgment as to where we draw the line with respect to helping protect industries and products in our own country and States. The real question is, What about agricultural products which are by their nature sensitive? Under current law, the President does not on his own have the authority to reduce tariffs on such products. He has to get the approval of Congress. That is current law. The other body passed legislation which basically gives the President the authority to reduce tariffs on certain products by proclamation, up to 50 percent of the current tariff rate. The other body added that the President may not reduce tariffs by proclamation with respect to import-sensitive agricultural products; not only not by 50 percent, but not a single percentage point in reduction of tariffs for these products.

Our underlying bill has those same provisions; namely, the President has the authority, by proclamation, to reduce tariffs by up to 50 percent on most products, but not with respect to import-sensitive agricultural products.

There are other provisions in this bill which help address the concerns raised by the Senators from Florida. For example, the bill provides a special consultation procedure for negotiations on import-sensitive agricultural products. That is, before initiating negotiations on these products, the U.S. Trade Representative is required, under the provisions of this bill, to engage in special consultations with the Finance Committee and with the Ways and Means Committee in the other body and also with the Agriculture Committees in both bodies.

This measure is designed to help give that extra protection for those very sensitive industries. I know the Senators from Florida would like to go further. They would like the legislation to provide that the President may not come back to Congress with tariff reductions.

I ask unanimous consent to print the letter from which I quoted in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

STATE OF FLORIDA,  
OFFICE OF THE GOVERNOR,  
Tallahassee, FL, May 22, 2002.

Hon. MAX BAUCUS,  
Senate Finance Committee, Dirksen Senate Of-  
fice Building, Washington, DC.

DEAR CHAIRMAN BAUCUS: I am writing to bring to your attention an important issue concerning Florida citrus during your consideration of Presidential Trade Promotion Authority. It is critical that the Congress support the citrus industry's efforts to address unfair trade practices and dumping against Florida's agriculture interests.

As Governor of a state with a large agriculture base and a vibrant international trade sector, I fully recognize the importance of supporting free but fair trade for all concerned. However, Florida's citrus industry has been forced to compete for years with countries that implement unfair trade practices, forcing the industry into financial decline. I support legislation that would require trade negotiators to take into consideration agriculture products that have been subject to antidumping or countervailing duty orders before negotiations begin. The continued encroachment of unfairly traded imports will severely impact the citrus industry.

In seeking to create legislation that will help promote free but fair trade for our country's industries, I hope that you will take into consideration the need to support import sensitive products in pending legislation and future negotiations. I appreciate your consideration of my comments. Please do not hesitate to contact me should you have questions or concerns.

Sincerely,

JEB BUSH,  
Governor.

Mr. BAUCUS. Under the Nelson amendment, not only can the President not proclaim tariff reductions on import-sensitive agricultural products, he cannot even negotiate a new agreement reducing tariffs on those products. To be truthful, that presents a lot of problems. It violates the principles of MFN—most-favored-nation trading status—which is, whenever we grant a tariff reduction to one country, it is granted to all countries. That is the basic underlying principle of GATT and WTO for all countries. What you give to one, you give to all. Otherwise, there would be this crazy system where it would be virtually impossible to trade.

This amendment would violate MFN, because, if the United States were trying to negotiate tariff reductions on a certain product in various countries, but at the same time there was an outstanding order on the same product with respect to one particular country, this amendment would say the President cannot reduce tariffs because of that one country. If one particular country were under restrictions, this amendment would prevent the tariff from being reduced on that product for all countries. Therefore, it violates the principles of MFN.

Madam President, I very much understand the efforts of the Senators. They make some good points. I just don't know that it is proper to tie the President's hands to such a great degree. This amendment will prevent the President from coming back to Con-

gress in negotiating tariff reductions when there is an outstanding order.

I urge Senators not to support this amendment. We have given a lot to import-sensitive agricultural products in this bill. The pending amendment goes too far. I think it should be rejected.

Mr. NELSON of Florida. Will the Senator from Montana yield?

Mr. BAUCUS. Yes.

Mr. NELSON of Florida. If there is no more debate, I am ready to put the question. If the Senator will instruct Senator GRAHAM and me when to put the question, we will request the yeas and nays.

Mr. BAUCUS. Madam President, in answer to the Senator's question, I know of no other debate. However, due to extraneous circumstances, we cannot have a vote until at least 2:05. We can get the yeas and nays and order the vote for an up-or-down vote on the amendment. The vote can begin at 2:05.

Mr. NELSON of Florida. Is it in order to ask unanimous consent to have the yeas and nays and a vote to occur at 2:05?

Mr. REID. Madam President, we would have no objection from the Republican side if that would be a motion to table rather than a straight up-or-down vote.

I amend the request of my friend from Florida by asking unanimous consent that we have a vote at 2:05 on this amendment, that it be on a motion to table that will be made, with no intervening amendment to this, and then we can set this aside and move to something else for the next half hour or so.

The PRESIDING OFFICER. Is there objection to the request?

Mr. NELSON of Florida. Reserving the right to object, I would like to put into the RECORD—and intended to do so earlier—a letter from the Florida citrus industry indicating their support for our amendment. I ask unanimous consent that this letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

FLORIDA CITRUS INDUSTRY,  
May 16, 2002.

Hon. BILL NELSON,  
Hart Senate Office Building,  
Washington, DC.

DEAR SENATOR NELSON: First we want to express the appreciation of the Florida citrus industry for all your work on behalf of the industry with respect to Trade Promotion Authority. The industry knows the time and effort you and your staff have devoted to ensuring additional safeguards are placed in TPA for Florida's citrus industry.

We would like to reiterate our support for the Nelson/Graham amendment with respect to anti-dumping and countervailing duties. We appreciate the efforts you and Senator Graham have made with Senator Baucus and the Administration in pursuing this language, and the counterproposals offered by Senator Baucus and the Administration. However, we believe the alternative presented does not adequately address the underlying concerns by the industry. As you recall in your meetings with the industry over the last several months, the growers are clear in their support for an exemption for

citrus. We understand the Administration and Senate leadership were clear in opposing those attempts and we are appreciative of your willingness to look for creative ways to provide additional steps in TPA to help our industry.

Again, thank you for offering the Nelson/Graham amendment. It is an important issue for our industry and we appreciate your efforts on this matter and look forward to working with you and your staff as negotiations move forward both in Conference and in FTAA.

Sincerely,

BOB CRAWFORD,  
Executive Director,  
Florida Department  
of Citrus.

ANDREW W. LAVIGNC,  
Executive Vice Presi-  
dent/CEO, Florida  
Citrus Mutual.

BARBARA CARLTON,  
Executive Director,  
Peace River Valley  
CGA.

DOUG BOURNIQUE,  
Executive Director, In-  
dian River Citrus  
League.

RON HAMEL,  
Executive Director,  
Gulf Citrus GGA.

RAY ROYCE,  
Executive Director,  
Highlands County  
CGA.

LISA YOUNG RATH,  
Executive Vice Presi-  
dent, Florida Citrus  
Processors.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Nevada?

Without objection, it is so ordered.

Mr. NELSON of Florida. I thank the Chair and thank the Senator from Nevada.

Mr. REID. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BAUCUS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAUCUS. Madam President, we have a long list of amendments ahead of us, many of which are not germane, particularly since the invocation of cloture. Clearly, they are not going to get 60 votes to override the point of order that would apply to them.

In the greater interest of moving this bill, which I think is the desire of a very significant majority of Senators—witness the vote for cloture; 68 Senators voted for cloture—beginning 10 minutes from now, I am going to begin calling up amendments that are on the list which will be declared not germane. I will make a point of order against each of those amendments that it is not germane. If the Chair agrees, we will, therefore, dispose of a lot of amendments accordingly.

I give Senators 10-minute notice to come to the Chamber because if their amendment is yet to be called up and

they have not yet called it up, it will most likely be declared by the Chair as not germane. I am giving them an opportunity to come over and make their case publicly to the Chair for why they think the amendment should be germane. If they are not here within 10 minutes, I am going to, on behalf of Senators who have amendments, call them up and make a point of order.

Mr. REID. Madam President, will the Senator yield?

Mr. BAUCUS. I will be happy to yield.

Mr. REID. I say to Senators, this is not something Senator BAUCUS has gone around lobbying, suddenly making these nongermane or raise points of order because of the budget. This is something that has been done by the Parliamentarian.

As the Senator indicated, if it is a germane point of order, it takes a simple majority to override that point of order. As we learned in the past, they are not going to get 51 Senators to override germane points of order. It has created real tangles for the Senate in the past. That is not going to happen.

Those amendments relating to budget matters, if they can get 60 votes, fine. We will have to see how that happens. I hope to facilitate moving this bill. The chairman of the committee, the manager of the bill, is doing the absolutely right thing. It is going to happen at some time. As I indicated, those who are following their amendments know whether it is germane or not germane because the Parliamentarian made that decision a long time ago.

Mr. BAUCUS. In the interest of fairness and notice to Senators who I also hope are fair with respect to the rest of the body—and I know they will be—the amendments I have in mind are amendment No. 3445 offered by Senator BAYH; amendment No. 3447 offered by Senator BYRD; amendment No. 3450 offered by Senator BYRD; amendment No. 3451 offered by Senator BYRD; amendment No. 3452 offered by Senator BYRD; amendment No. 3453 offered by Senator BYRD; amendment No. 3431 offered by Senators BOXER and MURRAY; amendment No. 3432 offered by Senators BOXER, MIKULSKI, and DURBIN; amendment No. 3457 offered by Senator DURBIN, as well as amendment No. 3459 offered by Senator HARKIN.

They have about 6 more minutes. I thank the Chair and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

Mr. WELLSTONE. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WELLSTONE. Madam President, I call up amendment No. 3467.

The PRESIDING OFFICER. Is there objection?

Mr. BAUCUS. Reserving the right to object, will the Senator indicate which amendment he is calling up?

Mr. WELLSTONE. This is the amendment on human rights and democracy which is germane. I am trying to get the amendment offered.

Mr. BAUCUS. Can we get a copy of the amendment?

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

Mr. WELLSTONE. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### AMENDMENT NO. 3467

Mr. WELLSTONE. Madam President, I call up amendment No. 3467.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Minnesota [Mr. WELLSTONE] proposes an amendment numbered 3467.

Mr. WELLSTONE. Madam President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To protect human rights and democracy)

On page 246, between lines 15 and 16, insert the following new paragraph:

(12) HUMAN RIGHTS AND DEMOCRACY.—The principal negotiating objective regarding human rights and democracy is to obtain provisions in trade agreements that require parties to those agreements to strive to protect internationally recognized civil, political, and human rights.

Mr. WELLSTONE. Madam President, I thank my colleagues for their graciousness.

This amendment which I offer to the fast-track portion of the substitute is critical to ensuring fairness in this global trading regime. It will improve the majority of the lives of Americans and our trading partners.

The amendment adds a principled negotiating objective regarding human rights and democracy. It says to our negotiators that they should obtain provisions in trade agreements under which the parties to the agreements strive to protect internationally recognized civil, political, and human rights. These are rights guaranteed under existing international covenants.

This is not a debate about fast track, and again, I believe it is a profound mistake for us to give up our right to amend trade agreements because these trade agreements are going to have such a critical impact on the lives of the people we represent.

This amendment says: The rules of international trade ought to reflect American values. Our country ought to be a leader when it comes to promoting the values of democracy, when it comes to promoting the values of respect for human rights.

What we are saying is: U.S. trade negotiators, during your negotiations, we want you to obtain a provision in the trade agreement which makes it clear that the parties that they must make a commitment to strive to protect internationally recognized civil, political, and human rights.

I say to Senators, in some ways I do not think this amendment should be controversial.

There are some who say we have to be a part of this international economy. I agree. The international economy is a new reality. I agree. We should not put up walls on our border. I agree. Free trade—or I would argue fair trade—could work well for our consumers and make our businesses more competitive.

As we lead in this new international economy, let's lead with our values. We ought to at least say to our trading partners: We call on you to respect human rights and democratic principles. It is an important proposition and, at a minimum, we should demand countries try to do better. That is what this amendment says.

Here are some examples of the behavior of some of our trading partners. From the State Department Country Reports on Human Rights, 2001 for China: Police and other elements of the security apparatus employ torture and other degrading treatment in dealing with some detainees and prisoners. Former detainees and press reported that officials used electric shocks, prolonged periods of solitary confinement, incommunicado detention, beatings, shackles, and the list goes on.

Is it too much to ask that our trade agreements have a provision that calls upon our partners to strive to meet the standards of recognized international covenants meant to protect the civil, political and human rights of the citizens of the world?

Another example is Russia. Again, this is from our own State Department Country Reports, 2001. There were credible reports that some law enforcement officials used torture regularly to coerce confessions from suspects and that the Government does not hold most officials accountable. Torture that was recognized in the State Department report takes one of four forms: Beating with fists, batons, or other objects; asphyxiation using gas masks or bags sometimes filled with mace; electric shocks; or suspension by body parts.

Again, all I am saying is, if you have governments that engage in the practice of torture, when we enter into trade agreements with those governments, shouldn't we have as a goal of the agreement that the government will strive to protect internationally recognized civil, political, and human rights? Can't we make it a negotiating objective to get that commitment?

Another example is Colombia. From the Amnesty International Global Report of 2001: The human rights crisis continues to deepen. More than 4,000 people were victims of political



killings, over 300 "disappeared," and an estimated 300,000 people were internally displaced.

The report notes that some of this was the work of the FARC, the radical left guerilla group, but it also reports that some of the mass killings were done by the paramilitary, often linked to the military.

My point is simple. It is un-American to allow an agreement to come to this body that we cannot change, that we may not even get a decent amount of time to talk about, that allows us to trade unconditionally with nations that torture their citizens, that summarize execute people for exercising their basic right to question the government, that practice forced abortion, and that arbitrarily arrest, detain, and exile their citizens.

I make the point again. It is un-American to allow an agreement to come to this body that we cannot change, that we may not even get a decent amount of time to talk about, that allows us to trade unconditionally with nations that torture their citizens.

We should include in this fast-track bill a negotiating objective that calls upon our trading partners to strive to live up to international civil, political and human rights standards. We ought to do that. We ought to lead with our values. We ought to say this should be a part of any negotiating strategy.

It is un-American to trade unconditionally with nations that deprive citizens of fundamental rights guaranteed by the Universal Declaration of Human Rights and the International Covenant on Civil Rights and Political Rights, such as the right to worship and the right to a fair trial.

If we are going to enter into agreements with countries that deny people the right of worship or the right to a fair trial or that torture their citizens, or that summarize execute people because they question these governments, at the very minimum, we should make it clear, the Senate should make it clear, that we want to have a provision in these trade agreements that at least calls upon these countries to strive to live up to these basic standards.

I also argue it is un-American to trade unconditionally with nations that intimidate their citizens and are so corrupt that public participation is out of the question.

It is important to lead with our values. We ought to be promoting human rights. What makes me most proud to be an American citizen, to be a first-generation American, to be a Senator from Minnesota, is the way our country stands for human rights and for democracy and for freedom. I am saying in mild, moderate language, that our trade negotiators should have a principle negotiating objective, like the ones already in this bill for intellectual property rights and agriculture, that calls upon our partners to strive to live up to international human rights

standards. Why not have the U.S. Government be part of that?

I am not saying don't trade with them. And my amendment doesn't say don't trade with them. I am saying trade in a way that lives up to American standards. Use trade agreement to get commitments out of trading partners to shape up—to respect the rights of their citizens.

In the January/February 2000 edition of Foreign Affairs National Security Advisor Condoleezza Rice said: "There are no guarantees, but in scores of cases from Chile to Spain to Taiwan, the link between democracy and economic liberalization has proven powerful over the long run." In remarks made to the Society of American Business Editors and Writers last April, USTR Zoellick said: "... we have to ensure that trade policies are aligned with our society's values. Free trade is about more than economic efficiency. It promotes freedom abroad." In an address to the Council of the America's earlier this month, he said: "Democracy is more than just holding elections. It is the Liberal idea embodied by the phrase, 'The rule of law, not of men.' It is a neutral, comprehensive framework of rules enforced impartially and justly."

And Monday, when talking about Cuba, the President said:

Political and economic freedoms go hand in hand . . . Without major steps by Cuba to open up its political system and its economic system, trade with Cuba will not help the Cuban people. It's important for Americans to understand, without political reform, without economic reform, trade with Cuba will merely enrich Fidel Castro and his cronies. With real political and economic reform, trade can benefit the Cuban people and allow them to share in the progress of our times.

It seems the administration has the rhetoric linking political and economic progress—especially when it comes to embargoes. But where is the commitment? Where is the commitment to ensure this progress with our trading partners? It is with our trading partners that we can actually make a difference. How can we stand here and debate a bill that doesn't even demand that our trading partners try to do better when it comes to human rights and political freedom? Economic, political, and social progress have always gone hand-in-hand. If public participation in the political process, if transparency in government, if acknowledgment of the fundamental rights of man come second to trade—to economic property rights—it is exploitation. It is the text book definition of exploitation because someone owns those property rights—rights that affect everyone in society—but very few have had a say in their distribution. Today there are negotiators at the table at the WTO negotiating away rights over which the citizens of those respective nations have absolutely no say.

If that is the case, why does this fast track bill make anti-corruption in the trading regime and transparency at the

WTO, principal objectives for U.S. trade negotiators? Why do those advocating this bill think these things are important enough to demand them from countries in the trading arena, but not important enough to demand that these same nations allow such public participation in decisionmaking for their own citizens? Why? I will tell you why—it is because the current trading regime is all about protecting the rights of the investor regardless of the situation of the worker.

When I look at some of the statements made by the administration, in the abstract, there are some I absolutely agree with. We have to promote human rights and democracy. We must insist on it in our foreign relations. But this must be more than rhetoric. We must have a commitment. Including a principle negotiating objective calling upon our trading partners to strive to live up to these standards is a way to show that commitment.

I have been talking about values but I could talk about competitive disadvantages too. A lot of what is going on throughout the world puts our working people at a severe disadvantage. Whether I look at Mexico, Colombia, or many other countries around the world, the situation is the same. People, quite often, if they try to organize and bargain collectively to get a better wage and working conditions, wind up in prison. They end up being tortured.

Who pays the price? The people in the other countries pay the price for it. Our workers pay the price for it. It is hard for working people in our country to compete against a corporation that can go to another country, exploit children, work them 18 hours a day, and not abide by fair labor standards or abide by human rights standards. They can not compete against it and they should not have to. In my opinion, this treatment: persistent violations of human rights, payment of slave wages, exploitation of people at the workplace by making them work under the most uncivilized working conditions, is a trade barrier. I don't think our corporations and our companies and American businesses or American workers should have to compete with this.

Given the floor situation I will make my final two points. This amendment is about values and this amendment is about economics. We should lead with our values. If we are going to enter into trade agreements with other countries, can't we at least have a provision in the trade agreements that calls on them to live up to basic human rights standards? Should we be silent on these questions? Should we be doing business with countries all around the world without at least calling on them to live up to the international covenants respecting basic civil, political, and human rights? I think not.

The United States of America should not be silent when it comes to human rights. We should not be silent when it

comes to persecution against people trying to practice their religion. We should not be silent when it comes to people being rounded up and imprisoned for trying to organize a labor union and having decent working conditions and wages to support their families.

Finally, without at least some language dealing with democracy and human rights, we put American companies and American workers at a severe economic disadvantage. We find it very difficult to compete with companies located in countries whose governments violate basic human rights standards, that allow children to be worked to death, that allows slave wages, that allow uncivilized working conditions, and that crack heads when people try to organize and join a union in order to get a better standard of living. This human rights and democracy amendment strengthens this legislation and I urge my colleagues to support it. Since my colleagues were gracious enough to let me speak, I yield the floor and eagerly await their response.

AMENDMENT NO. 3445 WITHDRAWN

Mr. REID. Madam President, I ask unanimous consent amendment No. 3445 that was introduced by Senator BAYH be withdrawn. I have his permission.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Madam President, I do not want to interfere with other colleagues who might come out and offer amendments. If colleagues are not anxious to speak now, I would like to make another point or two. Senator GRASSLEY indicates that is fine.

I want to read from the International Confederation of Trade Unions Annual Survey of Violations of Trade Union Rights for 2001.

In Mexico:

Independent trade unionists faced difficulties in organizing during the year . . . there are frequent abuses in the country's 4000 or so maquiladoras; 1.3 million workers are paid less than six dollars a day to work in often deplorable conditions and only 40% of them stay more than 3 months in their job; unpaid overtime, sexual harassment, discrimination in employment, non-existent health and safety precautions and unfair dismissals are just a few examples of the daily lot of maquiladora workers.

In Colombia:

In 2000, more trade unionists were killed in Colombia than in the whole world in 1999! One hundred and thirty-five trade unionists, both leaders and members, were assassinated during the year, bringing the total number of trade unionists killed since 1991 to several thousand. At least another 1,600 have received death threats over the last three years, including 180 in 2000. 37 were unfairly arrested and 155 had to flee their home region; another 24 were abducted, 17 disappeared, and 14 were the victims of physical attack.

The 2002 International Labor Organization (ILO) Global Report on Child Labor has estimated that over 8 million children worldwide are trapped in

the unconditional worst forms of child labor—which are internationally defined as slavery, trafficking, debt bondage, and other forms of forced labor, forced recruitment for use in armed conflict, prostitution, and pornography, and illicit activities.

Madam President, 180 million children aged 5–17—or 73 percent of all child laborers—are now believed to be engaged in the worst forms of child labor, comprising hazardous work and the unconditional worst forms of child labor. This amounts to one child in every eight in the world. Of the 171 million children engaged in hazardous work, nearly ⅔ are under 15 and should be immediately withdrawn from this work and rehabilitated.

From an April 2002 Human Rights Report titled “Tainted Harvest: Child Labor and Obstacles to Organizing on Ecuador’s Banana Plantations”:

In 1994, according to government estimates, approximately 38 percent of all children in Ecuador between the ages of 10 and 17 worked, or roughly 808,000 children approximately ½ of these children were between the ages of 10 and 14; in the rural sector, roughly 59 percent of children between ages 10 and 17 worked, or approximately 568,000 children. In 1998, another government survey indicated that the percentage of children at work between the ages of 10 and 17 in Ecuador had risen to 45 percent. Child workers were exposed to toxic chemicals, handled insecticide-treated plastics, worked under fungicide-spraying airplanes in the fields, and directly applied post-harvest pesticides in packing plants. They described using sharp tools, including knives, short curved blades, and machetes, and lacking potable water and sanitation facilities. One child described his situation when he was 11: “I went under the packing plant roof until the [fumigation] plane left—less than an hour. I became intoxicated. My eyes were red. I was nauseous. I was dizzy. I had a headache. I vomited.”

Of course nations must be held accountable. But where is corporate accountability?

There are numerous reports that Coca Cola is not taking decisive public action to prevent the killing of union members at its plants in Colombia. You can be certain that if a Coca Cola plant in Colombia found a product defect there, it would call out the dogs. Coca Cola personnel would be on the first plane out of Atlanta and in Colombia doing immediate quality control, figuring out where the problem is and finding a solution. I am outraged there isn't the same response when it comes to credible reports of violence against union leaders and activists in its plants. Is a life worth less than a trademark? A recent investigative report into the closing of a Phillips-Van Heusen Corporation factory in Guatemala by the U.S./Labor Education in the Americas Project found that PVH closed the factory and busted the only union with a collective bargaining agreement in Guatemala in order to shift production to poverty-wage sweatshops that are in flagrant violation of Guatemalan labor law, as well as the White-House-initiated Apparel Industry Partnership code of conduct.

I have many examples of absolutely deplorable working conditions, people who are exploited, people who die at work, many of whom are children.

I will say it one more time: U.S. companies cannot compete with this. More importantly, they should not have to. We ought to at least call upon our trading partners to shape up when it comes to basic worker rights. We ought not be undermining our own economy. We ought not be undermining Americans with this trade policy.

I say to my colleague from Iowa, this is a perfect marriage of values and economics. There are a lot of governments in this world, at least 70, that systematically torture their citizens. If we know this is the case, and we are entering into trade agreements with these nations, shouldn't we at least have a provision in the trade agreement that calls upon them to strive to live up to internationally recognized human rights standards? How can anybody be against that proposition?

When it comes to economics, I will say it one more time, one of the reasons there is so much suspicion about these trade agreements, which can be very good, is that often times they are not in the best interest of working people. Workers in Minnesota understand this and workers across the country understand it. They know they cannot compete against workers who make \$6 a day, or \$3 a day, and who work under deplorable working conditions. They cannot compete a country that lacks respect for basic human rights standards, that lacks respect for basic economic conditions, that doesn't allow people to speak up and call for a different policy without ending up in prison and being tortured.

Colleagues, I have a democracy and human rights amendment on the floor. I am calling on the Senate to be its best. I am calling on us to support these values.

I did not say that, as a condition of trade, we should say to these governments that they must live up to these standards though that is my wish. Instead, I am saying, at the very minimum we make it a priority in our trade negotiations and in our trade relations with other countries to at least call upon those countries to strive to meet internationally recognized civil, political and human rights standards. This amendment ask only that countries try. I urge my colleagues to support it.

I yield the floor.

VOICE OF AMENDMENT NO. 3454

The PRESIDING OFFICER. Under the previous order, the question recurs on the amendment of the Senator from Florida, Mr. NELSON, No. 3454.

The Senator from Montana.

Mr. BAUCUS. I move to table the amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The question is on agreeing to the motion. The clerk will call the roll.

The senior assistant bill clerk called the roll.

Mr. REID. I announce that the Senator from Hawaii (Mr. INOUE) is necessarily absent.

Mr. NICKLES. I announce that the Senator from North Carolina (Mr. HELMS) is necessarily absent.

The PRESIDING OFFICER (Mr. CARPER). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 60, nays 38, as follows:

[Rollcall Vote No. 123 Leg.]

#### YEAS—60

Allard	Domenici	McConnell
Allen	Ensign	Miller
Baucus	Enzi	Murkowski
Bennett	Fitzgerald	Murray
Biden	Frist	Nelson (NE)
Bingaman	Gramm	Nickles
Bond	Grassley	Roberts
Breaux	Gregg	Santorum
Brownback	Hagel	Sessions
Bunning	Hatch	Shelby
Burns	Hutchinson	Smith (NH)
Campbell	Hutchison	Smith (OR)
Cantwell	Inhofe	Snowe
Carper	Kohl	Specter
Chafee	Kyl	Stevens
Cochran	Landrieu	Thomas
Collins	Lincoln	Thompson
Craig	Lott	Thurmond
Crapo	Lugar	Voinovich
DeWine	McCain	Warner

#### NAYS—38

Akaka	Durbin	Lieberman
Bayh	Edwards	Mikulski
Boxer	Feingold	Nelson (FL)
Byrd	Feinstein	Reed
Carnahan	Graham	Reid
Cleland	Harkin	Rockefeller
Clinton	Hollings	Sarbanes
Conrad	Jeffords	Schumer
Corzine	Johnson	Stabenow
Daschle	Kennedy	Torricelli
Dayton	Kerry	Wellstone
Dodd	Leahy	Wyden
Dorgan	Levin	

#### NOT VOTING—2

Helms	Inouye
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The motion was agreed to.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, what is the regular order?

AMENDMENT NO. 3474, AS MODIFIED, TO  
AMENDMENT NO. 3446

The PRESIDING OFFICER. The regular order is the Grassley second-degree amendment to the Brownback first-degree amendment.

The Senator from California.

Mrs. BOXER. Mr. President, if the Senator will yield, I want to do a unanimous consent request. I have an amendment that has been offered and is pending, amendment No. 3431. That amendment is not germane postcloture, but I do have a germane version of the amendment. The amendment deals with making sure that the truckdrivers who will lose their jobs when we start having trucks coming into this country driven by noncitizens through the NAFTA agreement would be eligible for help.

I ask unanimous consent to substitute amendment No. 3511 for amendment No. 3431 and that it be considered in the same order as amendment No. 3431.

The PRESIDING OFFICER. Is there objection?

Mr. GRAMM. Mr. President, I object. The PRESIDING OFFICER. Objection is heard.

Mrs. BOXER. Mr. President, I am not surprised that my friend would object to this. I will simply make one more unanimous consent request, and then I will yield the floor.

I ask unanimous consent that the pending amendments be set aside temporarily so I might call up amendment No. 3511. This would put my amendment that is germane on the list at the end of the list.

The PRESIDING OFFICER. Is there objection?

Mr. GRAMM. I object.

The PRESIDING OFFICER. Objection is heard.

Mrs. BOXER. Mr. President, I am very sorry that we can't vote on this issue because I believe truckdrivers, who are some of the hardest working people in this country, are going to be thrown out of work. It is very sad.

Fortunately, I have talked to Majority Leader DASCHLE. He has assured me that we will have a vote on or in relation to this particular issue on the next bill that comes up that is not an appropriations bill.

I am very pleased at that. I thank the majority leader and thank my friends.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President. I rise to support the amendment that Senator GRASSLEY has offered to the Brownback amendment.

On the eve of the President's summit with President Putin, I join my colleagues in recognizing the importance of out ties with Russia and the Central Asian republics. These countries have been very reliable allies in our war on terrorism. They have shared intelligence with us, granted overflight and refueling rights, and cooperated in the stationing of U.S. troops. They also have supported our efforts in the United Nations to undermine terrorist organizations.

All of these efforts warrant our recognition and our gratitude. It is my expectation that President Bush will be conveying the sincere appreciation of the American people for Russia's close cooperation with the U.S. in recent months.

I want to draw attention to a key provision in the resolution. It states that the Senate "supports terminating the application of title IV of the Trade Act of 1974 to Russia in an appropriate and timely manner."

Title IV of the Trade Act refers to the so-called Jackson-Vanik amendment. In order for Russia to have permanent normal trade relations—PNTR—with the U.S. we have to terminate application of Jackson-Vanik. Granting PNTR will be a requirement when Russia joins the WTO, which may still be a year or more away.

I want to be clear about what we mean when we say that PNTR should

be granted "in an appropriate and timely manner." It means that we should extend PNTR when we have a clear picture of the terms on which Russia will join the WTO.

That is the responsible thing to do. That is how we approached PNTR for China. It also is how we approached PNTR for other Jackson Vanik countries, including Albania, Bulgaria, Romania, Mongolia, Georgia, and Kyrgyzstan.

I look forward to the day when we can welcome Russia into the WTO, along with other countries covered by this resolution. At that time, I hope and expect that Congress will give its strongest backing for PNTR.

AMENDMENT NO. 3474, AS FURTHER MODIFIED, TO  
AMENDMENT NO. 3446

Mr. GRASSLEY. Mr. President, I send a further modification of my amendment to the desk. The purpose of the modification is to make some changes to satisfy the Committee on Foreign Relations.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The amendment, as further modified, is as follows:

(Purpose: To express the sense of the Senate regarding the United States-Russian Federation summit meeting, May 2002)

In lieu of the matter proposed to be inserted inset the following:

#### SEC. \_\_\_\_ SENSE OF THE SENATE REGARDING THE UNITED STATES-RUSSIAN FEDERATION SUMMIT MEETING, MAY 2002.±

(a) FINDINGS.—The Senate finds that—

(1) President George W. Bush will visit the Russian Federation May 23-25, 2002, to meet with his Russian counterpart, President Vladimir V. Putin;

(2) the President and President Putin, and the United States and Russian governments, continue to cooperate closely in the fight against international terrorism;

(3) the President seeks Russian cooperation in containing the war-making capabilities of Iraq, including that country's ongoing program to develop and deploy weapons of mass destruction;

(4) during his visit, the President expects to sign a treaty to significantly reduce deployed American and Russian nuclear weapons by 2012;

(5) the President and his NATO partners have further institutionalized United States-Russian security cooperation through establishment of the NATO-Russia Council, which meets for the first time on May 28, 2002, in Rome, Italy;

(6) during his visit, the President will continue to address religious freedom and human rights concerns through open and candid discussions with President Putin, with leading Russian activists, and with representatives of Russia's revitalized and diverse Jewish community; and

(7) recognizing Russia's progress on religious freedom and a broad range of other mechanisms to address remaining concerns, the President has asked the Congress to terminate application to Russian of title IV of the Trade Act of 1974 (commonly known as the "Jackson-Vanik Amendment") and authorize the extension of normal trade relations to the products of Russia.

(b) SENSE OF THE SENATE.—The Senate—

(1) supports the President's efforts to deepen the friendship between the American and Russian peoples;

(2) further supports the policy objectives of the President mentioned in this section with respect to the Russian Federation;

(3) supports terminating the application of title IV of the Trade Act of 1974 to Russia in an appropriate and timely manner; and

(4) looks forward to learning the results of the President's discussions with President Putin and other representatives of the Russian government and Russian society.

Mr. GRASSLEY. Mr. President, on the eve of President Bush's European visit, it is appropriate to point out how attitudes have changed regarding the President's actions with respect to the Anti-Ballistic Missile Treaty. A little more than a year ago there was widespread concern over President Bush's decision to withdraw the United States from the ABM treaty. Recently there has been a general change of mind. It appears that many of Bush's biggest critics incorrectly guessed Russian President Vladimir Putin's reaction. Instead of renewing cold war tensions by increasing nuclear arsenals, the United States and Russia have continued to strengthen their friendship.

I ask unanimous consent to print a copy of an article in today's Washington Post that underscores President Bush's foresight in dealing with Russia and the ABM treaty.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

#### CRITICISM SOFTENS ON ABM MOVE

(By Dana Milbank)

A year ago, on President Bush's first presidential trip to Europe, allies in Western Europe and congressional Cassandras worried about the administration's plan to abrogate the 1972 Anti-Ballistic Missile Treaty with Russia.

They argued that Bush's plans for a missile defense system, at the same time NATO was expanding to Russia's border, would throw the world into a nuclear arms race. "We need to preserve these strategic balances, of which the ABM Treaty is a pillar," said French President Jacques Chirac. German Chancellor Gerhard Schroeder joined Chirac in issuing a joint statement defending the ABM.

As Bush arrives tonight in Berlin for a seven-day overseas trip, European leaders still oppose the White House's policy on issues ranging from Iraq to global warming. But many concede Bush may have been right about Russia and the ABM.

The United States pulled out of the ABM Treaty, and NATO expansion in the Baltic nations is on track. Instead of an arms race and hostility resulting, Bush and Russian President Vladimir Putin became fast friends. They agreed on an accord reducing nuclear weapons and are pursuing new ways to cooperate in commerce, intelligence and defense.

"We were worried a year ago that Bush's position would create a terrible confrontation," a senior German diplomat said. "Maybe we underestimated Putin's creativeness and farsightedness."

Bush loyalists say the administration had a clearer view than Western Europeans did on Russia. Bush, like Putin, understood the conflict had shifted from one of East against West to a new struggle of wealthy democracies against dictatorial regimes and stateless terrorists. Bush also perceived that Putin wished to be on the side of the wealthy democracies.

"It has been a pattern for 50 years that people yell Chicken Little any time we ask the Russians to do anything," said Kenneth Adelman, who ran the Arms Control and Disarmament Agency in the Reagan administration. "It's all been wrong and predictably wrong."

In the new, "asymmetrical" warfare against rogue states, the Russians are allies, Adelman said. "They'll be with us on these issues probably more than France, and they'll be more important. They fear Islamic radicalism, they fear weapons of mass destruction, and they need Western investment and Western ways and means."

Officially, the Bush administration is not gloating. But Bush aides did compile a list of Chicken Little remarks made by politicians and commentators last year. Its title: "Quotes of Criticism on ABM Withdraw and National Missile Defense."

The list, mostly Democrats, includes Clinton national security adviser Samuel R. "Sandy" Berger saying Bush had put the nation on a "collision course" with Russia and NATO allies.

Senate Majority Leader Thomas A. Daschle (D-S.D.) declared: "I believe it would be a grave mistake for the United States to unilaterally abrogate the ABM treaty in order to deploy a robust national defense system. Unilateral actions will trigger reactions all around the world. Those reactions themselves could make our nation less secure."

House Minority Leader Richard A. Gephardt (D-Mo.) vowed to block any missile defense system that violated the ABM Treaty. "Europeans are worried," Gephardt said, saying the administration may "prevent us from seizing a historic opportunity for engagement with Russia."

And former president Jimmy Carter said Bush's missile defense plan, which required abrogating the ABM Treaty, was "technologically ridiculous" and would "re-escalate the nuclear arms race."

One Republican made the compilation. Sen. John W. Warner (Va.) said Bush should leave "some vestiges of the ABM Treaty in place" to assure allies.

Included in the collection of quotes was a press release quoting Washington arms control expert Daryl G. Kimball predicting Bush's missile defense idea and ABM position would "set off a dangerous action/reaction cycle, involving the United States, Russia, and China."

Gephardt spokesman Erik Smith, asked about his boss's old remarks, acknowledged that "the White House has made progress" with Russia. But he said Bush has yet to make progress with Russia on nuclear proliferation, Iraq and dismantling nuclear weapons. "There were several other points . . . that have not been addressed," Smith said.

Kimball was unrepentant about his earlier words. "I stand behind the quote," he said. "The potential for a dangerous action/reaction cycle remains, especially because the Bush administration has failed to lock in verifiable reductions of Russia's nuclear forces."

Bush aids dismiss such concerns.

"What keeps Russia and the United States from going to war today is not the number of nuclear weapons that they have on either side or the Anti-Ballistic Missile Treaty or some outdated notion of strategic stability," national security adviser Condoleezza Rice said. "It's that they have nothing to go to war about."

Mr. GRASSLEY. I move adoption of the amendment.

Mr. REID. Mr. President, I say to my friend, we are still waiting to hear

from one Senator. We should be able to do that momentarily, if he will withhold.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. BROWNBACK. Mr. President, I rise to speak briefly on the matter in front of the body, the Grassley substitute amendment on granting Russia and central Asian countries permanent normal trade relations. I am glad we have taken up the resolution itself, the sense of the Senate. It is a positive statement. We should take up PNTR. Otherwise, as I stated last night, I recognize that the votes are not here today to deal with that issue for Russia or some of the central Asian countries, but I want to take this opportunity to address the body on this particular point because we really need to recognize what has taken place and move with some speed in the near future to address this topic because of what is taking place in the world.

I realize we are a body that takes time, and it takes some time and effort to move some of these issues. But look at what has taken place. The President of the United States is going to Russia this week. Last week Russia announced a two-thirds reduction in nuclear missile capacity, an enormous agreement. Last week Russia joined closer and closer to NATO, the very organization that previously had been structured to defend against the Soviet Union. Now the successor organization of Russia is joining closer to NATO.

Jackson-Vanik, that is what PNTR is addressed toward—permanent normal trade relations is not granted until a Jackson-Vanik waiver is granted. Jackson-Vanik addresses the issue of whether you allow free immigration of religious minorities, particularly Jews, out of the former Soviet Union. That is what the particular bill was directed toward. That is taking place. There is no question but that is taking place in Russia. As we look to the future and as we seek to reduce dependence on Middle-eastern oil, Russia and central Asia are going to figure larger and larger into the picture, along with their own domestic production.

I make the point as well that we have granted China PNTR after a long, extended debate about that. Yes, we have granted China permanent normal trade relations. If we look at their human rights record versus that taking place in Russia—you have a number of abuses, a number of people not being allowed to leave China—that is occurring in Russia. But the different standard we are putting forward here is striking.

Even today, there are a number of North Koreans who have gone to China from North Korea, who don't want to go back to North Korea. Yet they are being forced to, by bounties given by the Chinese, to round them up and send them back to North Korea. That is not human rights and religious freedom in China. Yet we have granted permanent normal trade relations with them. I

voted for it. I thought we should because the overall issue is about us engaging these places in the world, engaging China.

Now, clearly, we should be engaging Russia. The President has developed a strong relationship with President Putin. President Putin is leaning forward a long way with his country in engaging the West in a remarkable fashion—a fashion that I think anybody here would have to say is nothing short of miraculous, about how far forward he is taking his country in a short period of time in working with the West. These are breathtaking results, really.

The notion that we would hold up and be slow about an issue of permanent normal trade relations when we granted it to China, which has missiles pointed this way, has human rights abuses, and is selling weapons technology to rogue regimes around the world—it is striking that it would be different.

As far as central Asia—and that is what else was in the base bill. In Uzbekistan, we have troops. In Kazakhstan, we have troops. In Azerbaijan, we have landing rights. In Armenia, Armenian Americans are seeking development. What we are talking about with PNTR is the ability of having normal trade relations with this country so they might grow with us.

Realizing the votes are not here today to grant PNTR to these countries, I think it is time we pick up the pace on doing this because of the speed of events taking place, and it is so important that we engage these areas. Hopefully, in the near future, we will reduce our dependence on oil in the Middle East and have more coming from U.S. domestic sources and countries such as Kazakhstan and Russia. There will be a closer economic tie that should be basic in the relationship.

We need to send a strong message of support from the United States to the Russian Duma and President Putin that we deeply appreciate and agree with the actions he has taken on behalf of Russia last week. He did incredible things last week. We are doing a sense of the Senate. It is a positive statement. We should do that. It is a right sort of statement for us to make to Russia. It pales in comparison to what the Russians have done themselves. All we are asking is that we put forward basically a normal trade relationship between the United States and Russia—a country that seeks to grow much closer to the United States. We should encourage that with a great deal of respect and effort on our part.

So I rise in support of the Grassley substitute for Russia and central Asia. The central Asian and south Caucasus nations are a part of this. We should be granting PNTR and engaging as they are with us. They are frontline for us in the war on terrorism. They were in the Afghan conflict when our men were based out of Uzbekistan to go into Af-

ghanistan. Without them, we would have a great deal of difficulty. This is a modest proposal for us to move forward. I support the Grassley substitute. I hope we can be more forward-leaning ourselves in engaging central Asia and Russia in this overall effort. I support the Grassley amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### AMENDMENT NO. 3467

Mr. WELLSTONE. Mr. President, I am going to try to make the most efficient use of time. When colleagues are ready to do some other work, I will certainly be pleased to yield the floor. There is no surprise here. I say to Senator GRASSLEY, as I said to the Senator from Montana, I am going to speak for a few minutes. When we are ready to get back to business, I will be pleased to yield the floor. This is no 5-hour speech that I have planned right now.

Mr. President, I want to one more time discuss the human rights and democracy amendment. For the life of me, I actually do not understand the basis of opposition.

In the legislation before us, there is a listing of objectives. Believe me, one of the objectives is to do everything we can to protect property rights, to do everything we can to make sure patents are protected—you name it—intellectual property is protected. Fine.

What this amendment says is one of the listed goals of trade policy ought to be the promotion of human rights and democracy. It should be one of our goals. We should list this as a goal of trade policy and then call upon our trading partners to strive to meet these standards.

I want to say in not the hardest hitting way but in a little softer way at first that this is the greatness of our country. We should lead with our values. We should be promoting human rights in the world.

I gave examples of any number of different countries right out of our own State Department report where governments systematically torture citizens, where people who dare to speak up and challenge a government are imprisoned, where people who dare to organize a union to make better wages and support their families wind up in prison. There are at least 70 governments in the world that systematically still use torture against their citizens.

I am saying that I think it would make us a better Senate and would make each Senator a better Senator if we would say one of our goals—that is all this says—should be the promotion

of democracy and human rights and that we should at least call upon our trading partners to strive to meet internationally recognized civil, political, and human rights.

I do not understand the opposition. I know we are now in a situation where cloture has been invoked—this is a germane amendment—where we have a limited amount of time. That is why I came to the Chamber now. Other Senators have amendments, and I do not want to crowd out their amendments, but I certainly would like the opposition at some time before a vote to explain the basis of a “no” vote.

I believe as a first-generation American Senator from a human rights State, Minnesota, which has always been at the forefront in promoting human rights and has always been at the forefront in promoting democracy—and, by the way, many refugees who have fled persecution have come to Minnesota—I do not understand why the Senate would not go on record with a 100-to-0 vote that one of the goals of our trade policy should be the promotion of human rights and democracy and that we would call upon our trading partners to strive to meet those goals.

Haven't we read about enough reports dealing with deplorable child labor conditions? How many more children need to die? How many more brave men and women need to be tortured? How many working people in these other countries need to wind up in prison? How many workers need to die at an early age because of the carcinogenic substances they work with because there is no protection, and if they dare to speak out, they wind up in prison?

How many more men and women in our country are going to have to lose their jobs because we have no trade agreements that call upon governments to live up to these standards?

This is a values vote, and it is a working family vote. It is a values vote because we should lead with our values, and we should at least vote to make this a goal of our trade policy.

My colleagues know me. This is my pragmatic best. This is the most pragmatic language I can come up with: That we should list human rights and democracy as a goal and call upon our trading partners to strive to meet that goal.

Now, to be more serious, we should lead with our values. This is what I love about our country: Promoting human rights. I am in awe of the men and women I have met in my life. I do not know how they do it. You live in some of these countries, and you dare to speak up when you know it is not just that you might be rounded up and tortured—here is what is worse, Mr. President, here is how these governments silence citizens: They threaten that they will round up your children or your wife, your husband, your loved ones, and they will be tortured or they will be raped or they will be murdered.

I am saying today in this Chamber that we ought to at least vote to make a goal of our trade policy respect for human rights and democracy.

My second point is a working family point. I am positive that the families I represent with this vote are not lobbying furiously because they are not usually the ones with that much clout. The vast majority of people in our country and the vast majority of people in Minnesota are absolutely for good trade policy, but I think people would like some reassurance that we would strive in our trade agreements with other countries to establish some goals where they do not get put out of work because they are competing with a 13-year-old who has to work 19 hours a day at 30 cents an hour. It is not good for that 13-year-old, and it is not good for workers in our country.

I see colleagues in the Chamber. I will not belabor the point, but I will come back to this again. Frankly, I think opposition to this amendment, unfortunately, tells a larger story about what is profoundly wrong with this legislation. Legislation that does not establish that goal and is afraid to speak out on promoting the goal of human rights and democracy in the world is legislation that does not deserve support. I hope there will be support for this amendment.

I yield the floor.

#### ORDER FOR RECESS

The PRESIDING OFFICER. The acting majority leader.

Mr. REID. Mr. President, I ask unanimous consent that between 4:30 p.m. and 5:30 p.m. today, the Senate stand in recess and that the hour away from the Senate will be counted against the 30 hours postcloture. The reason for this is that Secretary Rumsfeld is here for a secret briefing and all Senators should go to it.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### AMENDMENT NO. 3474, AS FURTHER MODIFIED

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I urge adoption of the Grassley second-degree amendment to the Brownback amendment.

The PRESIDING OFFICER. Is there further debate on the amendment?

If not, the question is on agreeing to amendment No. 3474, as further modified.

The amendment (No. 3474), as further modified, was agreed to.

Mr. GRASSLEY. I move to reconsider the vote.

Mr. BAUCUS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

#### AMENDMENT NO. 3446

The PRESIDING OFFICER. Is there further debate on the first-degree amendment, as amended?

If not, the question is on agreeing to amendment No. 3446, as amended.

The amendment (No. 3446), as amended, was agreed to.

Mr. GRASSLEY. I move to reconsider the vote.

Mr. BAUCUS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent the order for the quorum call be dispensed with.

The PRESIDING OFFICER (Mr. CORZINE). Without objection, it is so ordered.

Mr. REID. Mr. President, I have spoken to the managers of the bill. What we would like to do now is move off the Dorgan amendment No. 3442. Senator DORGAN is going to be here momentarily to deal with that amendment. We would like to move off that and move to amendment No. 3443, the amendment of Senator REED.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### AMENDMENT NO. 3443

Mr. REID. It is my understanding now that we are on this amendment, the Senator from Rhode Island wants to ask unanimous consent for something. After having done that, we will deal with his amendment.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. Mr. President, I have an amendment that is now pending that, prior to the cloture vote, would have been in order for consideration, but after cloture, at this point I ask unanimous consent I be allowed to substitute another amendment which is in order for consideration if accepted by the body.

The PRESIDING OFFICER. Is there objection?

Mr. GRASSLEY. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. REED. Mr. President, I appreciate the point that has just been made. My amendment, if I was allowed to proceed, would have dealt with the issue of secondary workers, providing them the same types of protections which are available to workers in facilities that are directly affected by trade actions. This is an amendment that is cosponsored by Senator BINGAMAN, the Presiding Officer, Senator CORZINE, and others. It comes directly from the original legislation that Senator BINGAMAN submitted, S. 1209, which recognizes that the effects of trade are not discretely limited to individual companies but also affect those vendors, suppliers, and workers who support that company. I think that is a principle that is beyond debate.

When a factory closes, it is not just the factory workers, it is the truckers, it is the tradesmen who work in that facility who very often see their livelihoods completely exhausted by the effects of trade.

As a result, this legislation was originally proposed by Senator BINGAMAN. It was part of the proposal Senator DASCHLE made. It was part of the discussions. Unfortunately, regrettably, and I think unfairly, it was deleted from the provision which is in the underlying bill.

As a result, I would have offered either the substitute amendment or, indeed, would offer the amendment now which would have included the effects of the trade adjustment benefits for those secondary workers. Again, I think it makes quite a bit of sense.

Our definition of a secondary worker is someone who must have supplied a service or contract to the firm that has been certified as going out of business due to the direct effect of international trade. Perhaps the most compelling examples are those individual teamsters who service businesses that might, in fact, go out of business because of trade. They, too, lose their livelihood.

I know my colleague, Senator BOXER of California, has offered an amendment that deals directly with the issue of truckers and teamsters. My amendment would apply to any worker who could validly make the claim of being, as I said, by contract or some relationship, related to a factory that is being closed down.

The point I should also make is this provision would only give the workers or their representatives the opportunity to apply for these benefits because they have to be certified. It has to be shown that they have lost their job because of the effects of trade. The certification process, as we all know, is a rather difficult one. It is not presumed. It has to be proven. In this context, we are not opening up the floodgates. We are merely giving people who have lost their livelihood because of trade a fair chance.

The most compelling point I urge in this whole area is we did precisely this under the NAFTA agreement. We provided for TAA benefits for workers, secondary workers, who were affected by the NAFTA agreement.

So I urge very strongly that we overlook any of the procedural impediments and go to the heart of this matter. Give secondary workers the same rights as those factory workers who might lose their jobs because of the adverse effect of trade.

We can do that by accepting the Reed-Bingaman-Corzine amendment. We can do that as we did in NAFTA and give all workers who have lost their jobs because of trade the benefits of the TAA assistance that has been provided on a limited basis in the underlying agreement.

I urge my colleagues to support this effort.

At this time I retain the remainder of my time and yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

#### AMENDMENT NO. 3442

Mr. REID. I ask we return to the regular order, which I understand is the Dorgan amendment.



The PRESIDING OFFICER. The Senator has that right. The regular order is amendment No. 3442.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Mr. President, the pending business is amendment No. 3442; am I correct?

The PRESIDING OFFICER. The Senator is correct.

#### AMENDMENT NO. 3442 WITHDRAWN

Mr. DORGAN. Mr. President, I offered this amendment prior to the cloture vote. I understand a point of order would lie against it postcloture because it is not germane postcloture. I will withdraw it because I do not think at this point the amendment would survive the vote because it is not germane. But I am, frankly, surprised. The first amendment I offered prevailed here in the Senate on a rather significant vote.

This amendment is an interesting amendment. It is very simple. Those who come to the floor of the Senate and talk about trade normally turn the volume up a bit and talk about how this country needs to be able to compete, that we need to be able to do so around the world.

Let me talk about competition for a second and what this amendment is about.

We had an investigation with respect to Canadian wheat. It has flooded into this country unfairly. It has done so for years following the United States-Canada Free Trade Agreement. In fact, that flood, that avalanche of Canadian grain, was in contravention to an agreement that Mr. Yeutter put in writing to the Congress saying: This won't happen. The representation of good faith on both sides of the border post-United States-Canada Free Trade Agreement means we will not have a significant change in the flow of grain across our border. He put that in writing to the Congress.

Guess what happened. That trade agreement was approved—not with my vote. I voted against it. But instantly we had an avalanche of unfairly traded grain coming into this country. Did anyone lift a finger to do anything about it? We have had all of this discussion about helping the American farmer, but no one was willing to lift a finger to do anything.

The farmers had to put their own money together in a 301 investigation that went through the ITC and the U.S. Trade Representative. The U.S. Trade Representative and the ITC concluded that Canada is guilty of unfair trade. It hurt our farmers. So the judgment was guilty.

What is the remedy? The remedy is we are going to say you had better

watch it. We are not going to do anything about it. There is no trade remedy, no sanction, and no tariff quota—no nothing.

Here we are. The farmers spent their money in a section 301 action. They won. Canada is guilty of unfair trade and is taking money right out of family farmers' pockets. And we have people prancing around the floor of the Senate talking about we ought to be able to compete anywhere in the world as long as the competition is fair. It is not fair. It has been judged to be unfair. Yet we can't get a trade remedy.

Why is the ambassador unwilling to stand up for family farmers? The trade ambassador stood up for steel. He stood up for lumber. Why is he unwilling to stand up for family farmers and propose a remedy—for example, a tariff quota? Why? Does anyone have an answer to that? I don't think so.

So I offered the softest possible amendment. I offered that precloture. The amendment I understand now postcloture will fall on a point of order. So I shall withdraw it.

But the amendment is very simple. Anyone who says they stand for family farmers ought to support this amendment. It simply says we want the trade ambassador to report back to the Congress within 6 months, telling us what his remedy is going to be for the judgment that has already been rendered that Canada is guilty of unfair trade, yes, unfair trade, and shipping an avalanche of unfairly subsidized Canadian grain into our market at secret prices by a state-sanctioned Canadian Wheat Board which is a monopoly that would be illegal in our country, and also underpricing us in other markets, particularly northern Africa and other places where we have been injured in international trade in other markets.

My amendment simply says the ambassador shall report back to the Congress within 6 months the specific proposed trade remedy that will be administered on behalf of the American farmers who have already been able to achieve through their own filing of a 301 case and through the use of their own money to bring a case and get a guilty verdict against the Canadians.

One is going to ask—and farmers certainly should ask—of what value is it to have a trade remedy if at the end of the day it is judged that farmers are victims of unfair trade and our trade authority? Our legislators say, by the way, the perpetrators of this unfair trade shall not have to bear any responsibility or any burden or be on the receiving end of financial sanctions.

I just do not understand it. I do understand what is going on with respect to the fast-track trade agreement, which I don't support. The effort here is to try to tighten it up, like putting a big tarp on a big truck. You tighten the rubber bands around it, hook it altogether, don't let any wind in, and drive it through as fast as you can.

That is what this is all about. It is good for those who do it.

After this particular legislation is enacted, they will see another increase in America's trade deficit. In every single circumstance in the last 15 years when we bragged about forcing open foreign markets, and when we passed fast-track trade authority and negotiated another trade agreement, our trade deficit increased, yes, with Europe, with Mexico, with Canada, with Japan, and with China. In every single circumstance, that trade deficit is on a relentless path upward. Everybody knows it.

Therefore, while everyone is sitting around saying let us ignore this huge, growing tumor called this trade deficit, over \$1 billion a day, every single day, 7 days a week represents the trade deficit. Over \$1 billion every day is the amount of goods we bring into this country which exceeds the amount of goods we ship out. Somebody is going to have to pay for that.

I used to teach economics in college. I have told my colleagues many times. But I have been able to overcome that experience and do other things in life as well. But what we taught in college in the field of economics was that you could explain a budget deficit by a deficit that you owe to yourself. That is a plausible explanation. Under the U.S. fiscal policy, a budget deficit is money we owe to ourselves. You cannot make a similar explanation with respect to the trade deficit. The trade deficit is money we owe to others. It will be someday, in some way, paid for by a lower standard of living in the United States. That is inevitable and is not debatable.

The question is: When are we going to care about the trade deficit? When does an American trade deficit of \$440 billion-plus begin to matter to our country and to our economy, and, yes, to the children who will inherit that and will have to pay others around the world to settle that trade deficit? Part and parcel of that trade deficit are the trade circumstances in which our producers and our workers are victimized.

One instance of that is America's farmers who produce this grain and lifestyle and find themselves victimized by unfair trade. It is admonished by politicians of virtually every stripe that it is important for them to go forward and to compete: You must compete. You must be competitive. We can be competitive anywhere in the world. I am convinced of that. But you can't do it with one hand tied behind your back. You can't do it with rules that aren't fair, especially with respect to grain.

The judgment is already in. The ITC and the U.S. Trade Representative have already said our farmers are victims of unfair trade. It is just that the remedy is nonexistent.

Unfortunately, I am not able, apparently, to put on this piece of legislation a very simple amendment that would ask the Trade Representative within 6 months to report back a remedy by which people stand up for and

support those who are victims of unfair trade with Canada; that is, family farmers and family ranchers across this country.

I regret that. But then there will be other days and other ways to address this issue. This is the place to have addressed it. This is a trade bill. This is the place, and this is the time to have addressed this issue on behalf of family farmers.

I regret that we could not get the 60 votes necessary to overcome the point of order postcloture to stand up for family farmers on this matter. As a result, I will ask consent to withdraw the amendment, and I make such a request.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BIDEN. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3474, AS FURTHER MODIFIED

Mr. BIDEN. Mr. President, we just adopted, I understand by UC, a sense-of-the-Senate resolution that relates to Jackson-Vanik. With the permission of my colleagues, I would like to speak to that for just a few minutes.

The sense-of-the-Senate resolution proposed by Senator GRASSLEY reinforces a commitment that I support, which is to extend all efforts to expand our relationship with Russia.

Russia has taken very significant steps toward working with NATO, cooperating with us against terrorism in central Asia and the north Caucasus, providing a stable world oil market, and opening up its domestic markets.

But we have to keep in mind that while Russia, under President Putin, is moving toward greater acceptance of the rule of law, free trade, and a market economy, it is not there yet.

It hopes to join the World Trade Organization, it is seeking foreign investment, and it is working to revise its legal and business structures toward those ends. But it still falls by the wayside on significant points.

Most visibly, on March 1 of this year, Russia imposed an unexpected and arbitrary embargo on imports of U.S. chicken parts, causing serious grief and economic loss to an industry.

Now, chickens and chicken parts are a multibillion-dollar industry, bigger than most of the industries in most of your States. And it is a big deal in my State.

While I appreciate the worldwide problems of finding common health standards, the timing, as well as the arbitrary and sudden imposition of Russia's ban, indicates that political and financial reasons, not the claimed health reasons, were the cause. They came up with a specious argument.

After some intense negotiations and the President basically telling the Russians, "Hey, look, if you want to play in the world of international trade, you have to play by the rules. You have to be fair"—they went ahead and "lifted" the embargo, which was specious from the outset. When they lifted the embargo, though, they lifted it only in principle. The Russian bureaucracy, with or without the approval of the central authorities, continues to delay and limit imports of chicken parts.

Let me explain what I mean. You have to have an importer in Russia to accept the chickens when they get there. They changed the law, and said no more embargo, but—guess what—all importers have to get new licenses. Now we cannot ship from Delaware, Allen Chickens or Perdue Chickens or Tyson Chickens, any chicken parts to Russia unless we are sending them to someone who is going to accept them.

You have to have an importer's license. Guess what. If you lift an embargo, but if you limit or do not give a license to somebody with whom I can deal, then I am still out of the market.

Now, Russian officials and Russian parliamentarians and members of the Russian Senate are very frank with me in my meetings. They have said that the reason this is the way it is, is pure bribery—pure, unadulterated bribery and that the oligarchs have a piece of the action.

There are only a couple of chicken outfits in Russia. I am serious, I am not joking about this. As long as imported chicken parts do not come in, the price of chicken goes up. The oligarchs, who own and purchase those chickens, those chicken dealers—what happens? make money. As long as they can keep this dragging on, they are making money.

So, in my view, it is possible that this isn't something that is being coordinated at the highest levels. But the bottom line is that responsible governments have to react.

Last year, Russia imported \$630 million worth of chickens from the United States—8 percent of all U.S. poultry exports. Russian suppliers have not been able to fill that gap, and as a result, many Russian consumers, mostly pensioners who cannot afford the higher prices for Russian chicken, are suffering. Right now, other countries are moving in to take over this lucrative market from our own U.S. suppliers. This move is a direct contradiction to Russia's professed desire to join the world community of fair trade practices and a slap at our efforts to work with Russia in gaining accession into WTO.

As everyone in this Chamber knows, I am a strong supporter of good relations with Russia and its President, the first leader since Peter the Great to look as far west as he has.

I support and commend every effort the administration is making to support good working relations with Russia, including the discussion that will start in Moscow tomorrow.

I met with Condoleezza Rice before they left for an extended period of time to discuss this. I am chairman of the Foreign Relations Committee. I have been one of the guys criticized on this floor for being too supportive of Russia. But before I can support taking steps, of any form, to lift trade limits on Russia, I want to make sure they have their act in order, and make sure Russia's commitment to fair and open trade and the rule of law is in the works.

Now, look, let me make something clear to you: You put a ban on American chicken. You then lift the ban. You then make it difficult or impossible to get a license to move in, but you give other people licenses to move in. We lose the market.

This is not like the drug companies in the State of my friend from New Jersey, or the drug companies in my State of Delaware. If they put a ban on our stuff, we have patents, so they can't get it from anywhere else. We don't lose the market. We lose the profit margin. We lose the market temporarily, but we don't lose it permanently.

This is a big deal. This is a multibillion-dollar deal, over time, to us. So I want to let everybody know, I can either be Russia's best friend or worst enemy. And if they keep fooling around like this, they are going to have me as their worst enemy.

This resolution expresses a sense of the Senate that supports terminating the application of Jackson-Vanik to Russia in an "appropriate and timely manner." I am the guy who has been pushing that for a year—when the Russians are acting appropriately.

But I tell you what. In my view, it will only be appropriate to act on such legislation when it is clear that Russia is living up to its bilateral trade agreements and arrangements with the United States. I am not talking about trade disputes. I am not talking about legitimate trade disputes. I want them not only to live up to the letter of the law, but to the spirit of the law. Only then, only when we can be sure Russia is committed to adhering to commitments already made, should we graduate Russia from Jackson-Vanik, which in principle, I think we should.

I am convinced we will be able to do that because I am convinced that President Putin has gotten the message. And I was told personally that the President of the United States of America is going to raise this issue. Tomorrow it begins. He is going to raise this issue personally with the President of Russia.

So I will be happy, at the appropriate time, to be one of those who moves for Russia's graduation out of Jackson-Vanik. But I am not going to do that, as one Senator—and I think the chairman of the Finance Committee—unless the Russians begin to act appropriately.

I thank my colleagues for their indulgence, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent the order for the quorum call be dispensed with.

The PRESIDING OFFICER (Mr. REED). Without objection, it is so ordered.

Mr. REID. Mr. President, the managers are trying to work out a number of things on this most important issue of postclosure. During the next hour we will work on that.

#### RECESS

Mr. REID. I ask unanimous consent the recess previously scheduled begin right now.

There being no objection, the Senate, at 4:24 p.m., recessed until 5:30 p.m. and reassembled when called to order by the Presiding Officer (Mr. MILLER).

The PRESIDING OFFICER. The majority leader is recognized.

#### UNANIMOUS CONSENT REQUEST— S. 2538

Mr. DASCHLE. Mr. President, Senator KENNEDY and I are going to be involved in a colloquy for a couple of minutes as we await another amendment. It pertains to the minimum wage. I will have a unanimous consent request that I will propound in a moment.

As we are debating new trade practices, we must not forget important protections for America's workers. Many of these protections are addressed through the Trade Adjustment Assistance Act, but for the last 60 years there has been another important protection for workers, and that is the minimum wage.

It has now been over 6 years since Congress voted to increase the minimum wage. In that time, the cost of living has increased 12 percent while the real value of the minimum wage has steadily declined. In fact, by 2003, all of the gain achieved through the last increase will have been wiped out.

Today, minimum wage employees working 40 hours a week 52 weeks a year earn only \$10,700—more than \$4,000 below the poverty line for a family of three.

In the last 6 years, the purchasing power of the minimum wage has deteriorated to near record low levels. Teacher's aides and health care workers are among the hard-working Americans who are unable to make ends meet on a \$5.15 per hour wage.

In fact, the current minimum wage does not provide enough income to allow full-time workers to afford adequate housing in any area of the country. In my State of South Dakota, the minimum wage is hardly enough for a family to make ends meet.

According to the National Low-Income Housing Coalition, a minimum wage earner can afford a monthly rent

of no more than \$268. In South Dakota, a worker earning the minimum wage must work 79 hours a week in order to afford a typical two-bedroom apartment. In fact, estimates show that for a worker to be able to afford a two-bedroom apartment in South Dakota, they would have to earn \$10.12—nearly 200 percent of the present minimum wage.

That is why we need to pass Senator KENNEDY's new minimum wage legislation. It would provide a \$1.50 increase over the next 2 years. This is the least we can do, and it is long overdue.

By increasing the minimum wage by \$1.50, working families will receive an additional \$3,000 per year in income. While this increase would not be enough to lift the family of three above the poverty line, it would provide the resources to buy over 15 months of groceries, 8 months of rent, 7 months of utilities, or tuition at a two-year community college. The reality is that American workers are working harder and harder for less and less.

It is time for Congress to address the needs of America's working families. It is time to act and raise the minimum wage.

Mr. KENNEDY. Mr. President, I wonder if the majority leader would be kind enough to yield for a few questions.

Mr. DASCHLE. Mr. President, I would be happy to yield to the Senator from Massachusetts.

Mr. KENNEDY. Mr. President, now we are dealing with the trade bill which will provide benefits, obviously, to many corporations. We also ought to think of the workers, especially those workers at the bottom rung of the economic ladder.

I listened with interest to the Senator from South Dakota. As the Senator pointed out, if we fail to increase the minimum wage, which has not been increased in 6 years, the purchasing power of the minimum wage will near an all-time low.

All we are trying to do is bring it up a little bit, which would be generally below what the average has been over recent years.

Is the Senator aware that if we fail to act with an increase in the minimum wage, it will be virtually at an all-time low if we don't act this year?

Mr. DASCHLE. It is not as well known as I wish it were. But how ironic it would be if in the same Congress that passed tax breaks for those at the very top—tax breaks worth \$50,000 a year to those in the top 1 percent—we could not do something to address the needs of those at the lowest end of the income scale.

I certainly appreciate the graphic depiction of the trend of the minimum wage which the Senator from Massachusetts has outlined. That is the whole idea behind this legislation.

Mr. KENNEDY. I would like to ask the Senator a further question. Does the Senator not agree with me that for years this body—Republicans and Democrats—thought that people who

worked 40 hours a week, 52 weeks of the year should not have to live in poverty in the United States? Does the Senator understand now that the minimum wage is well below the poverty line for working families?

Some will say we have an earned-income tax credit. But still the fact is for a single mom, or even for families of three, they are still well below the poverty line.

Does the Senator not agree with me, as I believe most Democrats do, that work ought to pay and that those individuals who work 52 weeks of the year, 40 hours a week should at least be at a poverty line, not a living wage even, but a poverty line?

Mr. DASCHLE. Mr. President, the answer to that would be emphatically yes, especially given the stated desire of Members of Congress who have passed welfare reform. The whole idea behind welfare reform was to make work pay, to make work more palatable than welfare. But it is hard for me to understand how a head of household can see how work pays when they are working for the minimum wage, 52 weeks a year, 40 hours a week and earning only \$10,700 a year.

That is why we have people in South Dakota—and I am sure in Massachusetts—working two and three jobs. That is why we are concerned about the pressures on families these days. It is hard to raise children, and it is hard to address all of the other familial responsibilities if you are working two and three jobs a week in an effort to rise above that poverty line that the Senator's chart illustrates.

Mr. KENNEDY. Of course, I believe the increase in the minimum wage is a women's issue because the majority of those earning the minimum wage are women. It is a children's issue because so many of those women have children. It is a civil rights issue because great numbers of those who receive the minimum wage are men and women of color, and it is a fairness issue.

In looking over the historic increases that have been enacted by the Congress since 1956, the proposal is an increase of \$1.50—60 cents the first year, 50 cents the next year, and 40 cents. This represents in the bar chart what the percentage increase would be going back to 1956. It will be actually one of the lowest over the period of the next 3 years.

When the Senator propounds his unanimous consent request, we will probably hear those who will say this is new legislation when we talk about an increase in the minimum wage. We haven't had a chance to study it. This is something that sort of takes us by surprise.

Will the Senator not agree with me that this issue is as old as the 1930s, effectively, when we first enacted the minimum wage, and that this proposal of \$1.50 over 3 years is actually a very modest proposal indeed?

Mr. DASCHLE. The Senator is absolutely right. Not only is it modest but it is overdue.

As I noted in my opening comments, it has been 6 years since we passed an increase in the minimum wage. During that time, as the Senator's chart illustrates, the minimum wage has dramatically declined. The number of hours people have to work goes up and the real value of the money they receive goes down.

More and more people are faced with the prospect of taking two and three jobs in order to climb above that poverty line, at the very time, ironically, when we say that we want work to pay to ensure that they do not go back to welfare.

So I compliment the Senator from Massachusetts for his leadership in this effort and, again, reiterate that the moderate increase that he is proposing is one that is in keeping with past precedent here in the Congress; and it certainly recognizes the need to do something this year.

Mr. KENNEDY. If the majority leader will yield, I thank the leader for the excellent presentations he made this evening on this issue, as well as the excellent speech he made earlier today.

He mentioned that \$3,000 may not mean a lot to Members of Congress who have had four pay increases since the last increase in the minimum wage, but for a minimum wage worker it means 15 months of groceries, 8 months of rent, 7 months of utilities, or full tuition for a community college.

This is, as the majority leader pointed out, a family issue. It represents, to those children, the value of work. And it is a fairness issue.

I thank the majority leader. I hope there will not be objection to the proposal he is about to make.

Mr. DASCHLE. Mr. President, I ask, therefore, unanimous consent that the majority leader, after consultation with the Republican leader, may turn to the consideration of S. 2538, the minimum wage increase bill; that the Senate proceed to its consideration no later than the close of business, June 24; and that it be considered under the following time limitation: That there be one amendment for each leader, or their designee, dealing with minimum wage/taxes; that no other amendments or motions be in order, except possible motions to waive the Budget Act; and that no points of order be waived by this agreement; that upon the disposition of these amendments, the bill be read a third time, and the Senate vote on final passage of the bill, without any intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. GRAMM. I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Texas.

Mr. GRAMM. Mr. President, first of all, we are here debating the trade bill that is all about trying to raise wages. It is interesting, in looking at Senator KENNEDY's charts, that in the period where the minimum wage was not raised, the number of children living in

poverty declined by 20 percent in America.

How did that happen? The Government did not raise the minimum wage. Yet we had, in a decade, a precipitous decline in the number of children and people living in poverty.

How is it possible for people to escape poverty without the minimum wage being increased? It is possible because of economic growth. There are many people in this Chamber who have worked at the minimum wage—but they didn't work at it long. A minimum wage job is a steppingstone toward economic progress and success in America.

The plain truth is, we are debating a bill that is more important to working people making low incomes than any minimum wage law that has ever been adopted by any legislative body in history. This bill is about trade, which creates jobs. The average job generated through trade pays wages that are almost 20 percent higher than wages in the other jobs in the American economy.

In dealing with this pro-high-wage bill, we are asked to consider a measure we have never seen; that is not on the calendar; that, as far as I know, has never been introduced; that is not relevant or germane to this debate.

So I have to say, it is hard for me to take this request seriously, though I would say to Senator KENNEDY that we would love to stay and hear him speak on this at length. If he would like to have time set aside from this debate to talk about minimum wage, it is a subject where certainly we have people who are interested in it, who could always be enlightened, who would enjoy hearing Senator KENNEDY talk about it. I would like to do something about wages by passing this trade bill because I think it will do more for people making low incomes than any wage law we could pass.

Let me also say, I have never understood minimum wage laws. If they really work, if we could just pass a law and make wages what we want them to be, why not make wages \$1 million an hour? Then people who need many millions of dollars could work all week and be very rich, and people who need only one million dollars could work 1 hour and be rich.

But there is a problem. And the problem is something you learned in the third grade: anything times zero is zero. The cruel hoax of minimum wage laws is, by setting artificially high wages, it prevents people from getting their foot on the first rung of the economic ladder. It prevents them from getting into the most effective training program in history: on-the-job training.

I wonder, if we had the kind of minimum wage that the Senator from Massachusetts is talking about when I was out trying to get jobs—jobs with the Tom Houston Peanut Company, throwing the Columbus Ledger Inquirer and working for Kroger Grocery Store—I

might have been protected right out of a job. I did not appear to have any skills, and in fact I did not have any skills.

But I learned great things in those jobs. The most important skill that I acquired was the knowledge that I did not want to do those things for a living.

So we would certainly love to hear about this. My colleague is here from Utah. I think he would like to have something to say about it. But we would be perfectly willing to debate this subject tonight at any length that the Senator from Massachusetts would like to talk about it.

But at the end of the talk, we want action. And the action we want is passing this trade bill because it is going to create new jobs at high wages, with great futures. It is going to share the American dream with more people than have ever had it before, with people who missed it the first time around. We are excited about it. And it is going to happen since we have a certain amount of time that has to run off the clock now. So if people want to debate minimum wage, we do not object to debating it. We just want to deal with this trade bill first because we believe it will do more good.

Mr. KENNEDY. Will the Senator yield?

Mr. GRAMM. I will be happy to yield.

Mr. KENNEDY. Well, the Senator, as I understand from his comments, is prepared to debate it, but he is going to object to any consideration to give the Senate of the United States an opportunity to act on it prior to the July recess, as I understand it.

Am I correct in understanding the Senator's position, that he would welcome the discussion and debate, but he objects to any action on the bill—the Senator was glad to ensure that there was going to be voting on the questions of the trade bill in support for the cloture earlier today to make sure we were going to vote on a trade bill. But, as I understand the Senator's position, he objected to the majority leader's request to permit the Senate to vote on the issue of the minimum wage?

Mr. GRAMM. Reclaiming my time, let me say his problem is not with me but with the fact that we are on a trade bill of which almost 70 Members of the Senate voted for cloture, saying they want to get on with passing this trade bill to create more jobs, more growth, more opportunities.

The Senator has proposed a measure which we have never seen, that he has never filed, that is not on the calendar, that is not relevant or germane. We are being asked to waive the rules of the Senate and delay the creation of new jobs from trade for an amendment that is not in order today.

Mr. KENNEDY. If the Senator will yield for a point, this is not being offered as an amendment. It is just a unanimous consent request. We take action on it later on in the session. It was not an attempt to offer it as an amendment tonight.

Mr. GRAMM. Let me say that—

Mr. KENNEDY. But I understand the Senator has objected to that as well.

Mr. GRAMM. We are in the minority here. You control the flow of legislation. I don't understand why you are asking us for permission to bring up bills. All I know is we are here trying to pass a trade bill, and you are talking about another subject. The point I was making is that thanks to the wisdom of our Members, we now have some—how many hours do we have postcloture?

The PRESIDING OFFICER. Twenty-three hours.

Mr. GRAMM. Twenty-two hours?

The PRESIDING OFFICER. Twenty-three hours.

Mr. GRAMM. Twenty-three hours. So we have ample time, if the Senator wants to talk about this issue, to do it. I know the Senator from Utah wants to say a word about it.

So I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

Mr. BENNETT. Mr. President, I thank my friend from Texas. I would say to the Senator from Massachusetts if he were still in the Chamber, I would be happy to take action on his bill. The action I would seek to take would be to kill it. That is effectively what we have done with our objection. But if the Senator from Massachusetts can get the majority leader to bring it up in another place, I will be happy to vote to kill it in that place, too.

I do so not because I am hardhearted, not because I think the people who are at the bottom of the economic ladder don't need help, not because I want to hurt them, but because I want to help them. I have often said that if I could control what we carve in marble around here, along with the Latin mottoes and the other statements we have, we should probably have before us at all times the statement: You cannot repeal the law of supply and demand.

We keep trying in government to repeal the law of supply and demand. We keep trying to set prices or wages at a level different than the market. Well, I don't have the Ph.D. degree in economics my friend from Texas has, but I learned in Economics I that when government sets a price different from where the market would set it, you get one of two things: either a shortage or a surplus. If government sets the price on a commodity and says, this is what we will pay for this commodity because everybody ought to have access to it, and they set the price by law too low, you get a shortage of that commodity because no one wants to produce it at that artificially low price.

We have seen that. Remember when there was price control on natural gas and there was an insufficient supply of natural gas. You got a shortage. When Ronald Reagan became President, he said: We are going to remove price controls on natural gas, and many people—I was not in the Chamber so I can't tell you whether there are some

who are still here who were there at the time—said: Without price regulation, the price of natural gas will go through the roof.

Guess what happened. When we removed the artificial restraint on the price of natural gas, it went up temporarily enough to get a lot of people producing natural gas, and then it came down, ironically, to a price below the price the Government had set, once the market forces took over and people started producing natural gas. You can get a shortage or you can get a surplus.

I remember when my father was on the Banking Committee and the Government set the price of silver for silver coinage. It was higher than the market would pay for silver, and the Government stockpile of silver got bigger and bigger and bigger because people were producing silver, not for the market but for the Government, at an artificially high price.

What does that have to do with the minimum wage? Simply this: If you set the price of unskilled labor by Government fiat at a place where the market would not put it, you are going to create a shortage of jobs. If Government guarantees a price of labor higher than the market, you will get a surplus of people applying for those jobs. It is as simple and as inexorable as that. You cannot repeal the law of supply and demand.

What segment of our economy has the highest level of unemployment? It is the inner cities, among African-American males of teen age. They have the highest level of unemployment of any group measure in the country. Why? Because jobs in the inner city for teenagers who don't have skills have been priced out of the market by minimum wage legislation.

The Senator from Texas talked about his first experience. I went to work at 50 cents an hour when I was 14 years old, and I had the same kind of experience the Senator did. I didn't need the money, but I certainly needed the experience. It taught me the necessity of showing up on time. It taught me the necessity of being dependable, of doing the kinds of things my supervisor wanted me to do whether I wanted to do them or not. It got me involved in a way that I have found valuable all the rest of my life.

If the minimum wage, which was 40 cents an hour at the time—so I was above the minimum wage by 10 cents—had been raised to 65 cents an hour, I would have lost my job. I wasn't worth 65 cents an hour to my employer. Frankly, I was barely worth 50. I would have lost my job.

I cannot understand why some people insist that the poor are better off unemployed at a high rate than working at a slightly lower rate. But that is what we have; that is where we are.

We are talking about this trade bill. We are saying it will help the American economy. At the time when the economy was doing perhaps its best, during the 1990s, and Alan Greenspan

came before the Banking Committee, a Senator asked him: In these boom times, Mr. Chairman, who is benefiting the most from America's prosperity?

I could tell by the way the Senator framed the question that he expected Greenspan to say "the people at the top" because the Senator was particularly concerned about what he considered to be an improper gap between the people at the top and the people at the bottom, and he was going to use Greenspan's answer to make a case for raising the minimum wage: The people at the top have gotten well, the people at the top have gotten fat in this time of great economic prosperity; it is the people at the bottom we need to help.

I could tell that was the attitude of the Senator as he asked the question. He was disappointed in Greenspan's answer. Greenspan replied: Unquestionably, Senator, it is the people at the bottom who have benefited from this economic boom.

My memory tells me he said the bottom fifth because, being an economist, he always has to quantify everything. So it was the people in the bottom quintile, to use an economist's phrase, who had benefited the most from the economic boom.

Then the dialog went back and forth between Chairman Greenspan and the Senator, with the Senator saying: Yes, but the people at the top have gotten these enormous financial rewards by virtue of the good economy.

Chairman Greenspan said: Yes, that is true, if you measure the benefit solely in dollars. However, if you measure the benefit in terms of life impact, the people at the bottom, who have had a 40-, 50-, 60-percent blessing in their lives by virtue of the fact that the economy is creating jobs for them, their life has been impacted far more than a millionaire who was at \$2 million net worth and then saw his net worth go to \$3 million. His lifestyle doesn't change much. His life circumstances don't change, if at all. He has more money to invest, and we hope he invests it in a way that will further stimulate the economy, but in terms of what happens in his life, nothing really changes by virtue of his increase in net worth. But someone who could not get a job or who couldn't see his job increase because the economy was flat, now in these times of prosperity can get a job and can see his opportunities increase.

I remember in those times when I talked to employers in the State of Utah and I would ask them: What is your biggest problem?

They said: We can't find anybody to hire. The economy is so good that everybody can get a job.

I had one employer say to me: We will hold a mass job interview. We will advertise in the paper, and 15 or 20 people come in to listen to our pitch as to why they should come to work for us. We will start through our explanation of what this job is, and half of them will get up and walk out because they

know they can walk down the street and hear somebody else's pitch and they can pick and choose. Our problem is, because the economy is so good and there are so many jobs, we are having hard times even filling the entry-level jobs.

Right now, the economy is not so good. Right now, we don't have employers who are complaining about that problem. And right now is not the time to artificially price those entry-level jobs out of the market by attempting to repeal the law of supply and demand.

Who will get hurt the most by an increase in the minimum wage? Ross Perot won't get hurt. Donald Trump won't get hurt. The people at the top won't be affected one way or the other. It is the person who is working for today's minimum wage, whose economic benefit to his employer would not justify the proposed minimum wage, who gets laid off. That is who gets hurt. It is the people at the bottom whom we are trying to help, who will, ironically, suffer the most if the minimum wage goes through.

I can take you to employers in my State who laid people off the last time the minimum wage went up. Employers said: I simply cannot justify it anymore. I would like to pay them, I would like to have them working for me. But, frankly, the economic return I get from them is not worth it when the minimum wage goes up. I am going to lay them off. I can get the same job done with mechanization or some other device, or I can simply do without it in my business. It is just not worth it to me to pay that much.

So those people walked off the job into the unemployment lines, with the cold comfort that their nominal rate was now 50 cents or 75 cents higher than it had been. They were not collecting it, but at least they had the warm feeling of knowing the Government determined that was what they were worth.

The market determines who gets hired. The market determines who gets paid. We cannot repeal the law of supply and demand.

So I say again, the Senator from Massachusetts says he wants action on this bill and he is disturbed that we are not willing to take action. I would be willing to take action, and the action I would want to take for the benefit of the people at the bottom, for the benefit of the African-American teenagers in inner cities who cannot get work, for the benefit of those who are just trying to start out, would be to say let's kill this bill, let's take care of the people at the bottom the best way we can, but one of the things we should not do is price their jobs out of the market and put them in the unemployment lines.

I yield the floor.

## ANDEAN TRADE PREFERENCE EXPANSION ACT—Continued

The PRESIDING OFFICER. The Senator from Nevada is recognized.

Mr. REID. Mr. President, what is the matter now before the Senate?

The PRESIDING OFFICER. Amendment No. 3433.

Mr. REID. Is that the Reed of Rhode Island amendment?

The PRESIDING OFFICER. Yes.

AMENDMENTS NOS. 3456, 3457, 3431, AND 3432  
WITHDRAWN

Mr. REID. Mr. President, on behalf of Senators DURBIN and BOXER, I ask unanimous consent that the following amendments be withdrawn: Amendments Nos. 3456, 3457, 3431, and 3432.

The PRESIDING OFFICER. Is there objection?

Mr. GRAMM. Reserving the right to object, Mr. President, I am sorry, we were having a conference in the cloakroom and I didn't hear.

Mr. REID. Four amendments are being withdrawn.

Mr. GRAMM. Mr. President, not only do I not object, I concur.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3443

Mr. REID. Mr. President, I make a point of order against the Reed of Rhode Island amendment, No. 3443, that it is not properly drafted.

The PRESIDING OFFICER. The point of order is well taken, and the amendment falls.

AMENDMENT NO. 3447

Mr. REID. Mr. President, it is my understanding that the next matter in order is the Byrd amendment No. 3447; is that right?

The PRESIDING OFFICER. The Senator is correct. The amendment is now pending.

AMENDMENT NO. 3527 TO AMENDMENT NO. 3447

Mr. REID. Mr. President I call up amendment No. 3527, a second-degree amendment to the Byrd amendment.

The PRESIDING OFFICER. The clerk will report the second-degree amendment.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID], for Mr. HOLLINGS, proposes an amendment numbered 3527 to Amendment No. 3447.

Mr. REID. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide for the certification of textile and apparel workers who lose their jobs or who have lost their jobs since the start of 1999 as eligible individuals for purposes of trade adjustment assistance and health insurance benefits)

At the appropriate place, insert the following:

### SEC. . TRADE ADJUSTMENT ASSISTANCE AND HEALTH BENEFITS FOR TEXTILE AND APPAREL WORKERS.

(a) IN GENERAL.—An individual employed in the textile or apparel industry before the date of enactment of this Act who, after December 31, 1998—

(1) lost, or loses, his or her job (other than by termination for cause); and

(2) has not been re-employed in that industry, is deemed to be eligible for adjustment assistance under subchapter A of chapter 2 of title II of the Trade Act of 1974 (19 U.S.C. 2271 et seq.).

(b) EFFECTIVE DATE.—This section takes effect on the day after the date of enactment of this Act.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

Mr. BYRD. Mr. President, what is the pending question?

The PRESIDING OFFICER. Amendment No. 3527 to amendment No. 3447.

Mr. BYRD. Is amendment No. 3447 my amendment?

The PRESIDING OFFICER. The Senator is correct.

Mr. BYRD. The pending amendment is the second-degree amendment?

The PRESIDING OFFICER. The Senator is correct.

Mr. BYRD. Mr. President, I will speak on the first-degree amendment.

Mr. President, there can be little doubt that the various agencies of the executive branch are increasingly in the driver's seat on the important matter of trade. Meanwhile, the Congress and the American people are merely being brought along for the ride.

There are many reasons for this growing inequity, not the least of which is the willingness—at times, in fact, the eagerness—of this body to give us its rights and responsibilities under the Constitution. The Constitution mandates to the legislative branch—the people's branch—authority over foreign trade matters. It cannot, however, force the institution to exercise this authority and assert itself in trade matters. That requires the will of the Members. The lessons we have learned from our most recent experiences with trade agreements should be incentive enough for us to insist on our rights with regard to trade matters. We, after all, represent communities that have lost businesses to other countries and families who have lost their jobs to foreign firms.

Yet here we are, once again, considering a measure that further ties the hands of the members of this institution in the area of trade. Perhaps even worse, we are continuing a trend of blinding ourselves to the details of the trade agreements on which we must ultimately vote. It is almost as if we don't want to know.

At the very least, we should do more to lift the veil on trade negotiations so that we have some idea as to what it is this Nation is signing up to when the agreements go into effect. But to do so we need to establish the means for Members to participate more broadly, and in more detail, in important trade negotiations, as well as to carry out the important oversight functions that our complex trade laws require.

The fast track bill now before the Senate opens that door. The bill establishes the Congressional Oversight Group to serve as an official adviser to



the U.S. Trade Representative on matters that include the formulation of specific trade objectives and negotiating strategies, the development of new trade agreements, and the enforcement of existing trade agreements.

The establishment of the Congressional Oversight Group is intended to help the legislative branch play a more substantial role in trade negotiations, but as laid out in this legislation it does not go quite far enough.

As established by the bill, the Congressional Oversight Group will be comprised of five Senators, each of whom must serve on the Finance Committee, five Members of the House of Representatives, each of whom must serve on the Ways and Means Committee, and, on an ad hoc basis, the chairman and ranking members of the various committees of the House and Senate that would have jurisdiction over provisions in the trade agreement that is under negotiation. This select group, of perhaps as few as 10 Members of Congress, would then be given the authority, under law, to advise the U.S. Trade Representative on important matters of international commerce. Choosing members of the Finance and Ways and Means Committees was a logical move on the part of the authors of this provision. These are committees with, perhaps, the greatest degree of expertise in trade matters. But our trade negotiators, and the American people, should have the greater benefit of the breadth of expertise that can be offered by a more diverse representation of the Congress.

Mr. President, in some respects, the Senate has already gone over this territory. We have the National Security Working Group to assist the Foreign Relations Committee and the Armed Services Committee with reviewing important arms control agreements. The National Security Working Group is not a replacement for those communities, but it is a useful back channel between the legislative and executive branches during the early stages of arms control negotiations, just as the Congressional Oversight Group is intended to do for trade negotiations. But the National Security Working Group has functioned well because its membership is not limited to those Senators who serve on the committees of jurisdiction. The National Security Working Group has 20 members, eight of whom serve on neither the Armed Services Committee or the Foreign Relations Committee. Indeed, one of the group's greatest strengths is that it draws its membership from the whole Senate, rather than just one committee.

The amendment I offer expands the Congressional Oversight Group to 22 members, selected from the membership of the Senate and the House of Representatives who do not serve on the Finance Committee in the Senate or the Ways and Means Committee in the House. Just as with the National Security Working Group, the leader-

ship of each House of Congress will serve on this panel. In addition, the leadership of each House will select eight additional members to complete the Congressional Oversight Group. It also authorizes expenses for Senate staff, so that the group can follow the negotiations of trade agreements on a full-time basis, not just as the schedules of the members of the group allow.

The changes that I propose to the composition of the Congressional Oversight Group as established in the fast-track bill do not in any way detract from the consultations between the administration and the congressional committees of jurisdiction. The Trade Act of 1974 established a process for consultation between the congressional committees of jurisdiction and the executive branch. At the beginning of each Congress, the President pro tempore of the Senate is directed to appoint, after consultation with the chairman of the Finance Committee, five members of that committee to work with the U.S. Trade Representative during the negotiation of trade agreements. The Speaker of the House is also directed to make appointments for members of the House committees of jurisdiction to serve in the same advisory role.

The U.S. Trade Representative is directed to keep these congressional advisors "currently informed on the trade policy of the United States," and make these advisors aware of any proposed changes to our trade policy. This is the mechanism by which the members of the committees of jurisdiction can remain informed of the progress in negotiating fast-track agreements.

My amendment prevents the congressional Oversight Group from being a redundant entity, as it currently is configured in the fast-track bill, and expands it to include a broader group of members of Congress in both Houses who are interested in trade, but do not serve on the Finance Committee or the Ways and Means Committee. The amendment does not elevate the Congressional Oversight Group above the status of the committees of jurisdiction on trade matters. In fact, my amendment specifically directs that any meetings that are open to the Congressional Oversight Group shall also be open to congressional advisers for trade policy.

Because trade agreements encompass so many issues, including labor protections and environmental standards, as well as adjustments to our own trade rules, all committees with jurisdiction should be fully consulted at all stages of negotiations on a new trade agreement. But many Senators who do not serve on the committees of jurisdiction also have great interest in our trade laws and they can offer significant contributions. These Senators should have the opportunity to receive similar consultations. The Congressional Oversight Group, as laid out by my amendment, would allow these Senators with an interest in trade matters to be fully

informed of the progress of negotiations.

The fast-track procedure for considering trade bills turns the legislative process on its head. It forbids Senators from offering amendments, even for the purpose of clarifying the intent of the agreement in question. The fast-track procedures limit the time that a trade agreement could be debated, as if Senators should not be given the time to learn what is really in the agreement.

In that case, the only Senators who would really know what a trade agreement does, and why it needs to be done, are those Senators who participate during the negotiation of those agreements. Right now, only five Senators have been appointed to be congressional trade advisors to the U.S. Trade Representative, and every one of those Senators serves on the Committee on Finance. It is all well and good to draw upon the expertise of the members of the Finance Committee, but what about the rest of us?

At what point will we, who do not serve on the Finance Committee, be made aware of the progress of trade negotiations? When will those Members of the Senate who are not on the committees of jurisdiction have an opportunity to see that the interests of our States are protected by a trade agreement? Is it when the agreement is signed, sealed, and delivered to Congress for an up-or-down vote? Or are we, as the elected representatives of the people, entitled to have our input on these trade agreements while there is still an opportunity to do so?

In an increasingly global marketplace, the ramifications of trade negotiations are undoubtedly reaching into the smallest crevices of our economy. The types of industries, the numbers of businesses, and every American's everyday concerns that are being impacted by foreign trade are real and constantly growing. The consultation of a broader number of Senators on potential trade agreements will more adequately and appropriately address the pervasive influence of foreign trade on America today. My amendment to change the composition of the Congressional Oversight Group will help end the exclusive nature of trade consultations. I urge my colleagues to support this amendment.

Mr. DORGAN. I wonder if the Senator from West Virginia will yield for a question.

Mr. BYRD. I will be glad to yield.

Mr. DORGAN. First, I ask unanimous consent that I be added as a cosponsor to this amendment.

The PRESIDING OFFICER (Ms. CANTWELL). Without objection, it is so ordered.

Mr. DORGAN. Madam President, the Senator from West Virginia has offered a very sound proposal to this so-called fast-track legislation. I was wondering if the Senator from West Virginia, who has been in this Chamber a long while, knows of circumstances where other

things have been given "fast track" treatment in ways that help ordinary folks.

Has the Senator from West Virginia been aware of circumstances where, for example, legislation that affects ordinary Americans is given fast-track authority to be considered here?

Mr. BYRD. No, no.

Mr. DORGAN. How about the disputes against unfair foreign trade practices that the steel industry raises or that family farmers or textile manufacturers raise—do the disputes they deem they need to bring because they are victims of unfair trade get fast-tracked or do they get slow-tracked?

Mr. BYRD. No, they get slow-tracked.

Mr. DORGAN. I wonder if the Senator will agree that, while fast track is making new agreements and shoving them through the Congress with no amendments, efforts to correct the problems in trade that are faced by so many American workers and so many businesses cannot get any action, let alone slow-track; they get no movement at all. Is that not the case?

Mr. BYRD. That is the case, precisely.

Mr. DORGAN. Madam President, it is ever more important that the Senator's amendment be approved. To the extent Congress is going to provide so-called fast-track authority, we need people looking over the shoulders of those who are going to negotiate these trade agreements.

I was in a room in Montreal when the United States-Canada Free Trade Agreement was negotiated. It did not do much good, frankly. I went there and heard what the negotiator had to tell us, but it was not part of the negotiations. When I got back here, I discovered that which was negotiated behind the scenes in a secret agreement did not come out until 2 years later, much to the detriment of American farmers.

Senator BYRD is on the right track saying if fast track is going to happen—and I do not support fast track—but if it is going to happen, in future negotiations, let's have more people looking over the shoulders of those who are negotiating on behalf of our country.

Mr. BYRD. Madam President, I thank the Senator.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. DAYTON. Madam President, I rise as a cosponsor of Senator BYRD's amendment, and I wish to express my support for this amendment, if my voice will let me do so.

I am very proud to be a cosponsor of this amendment. It is a very important improvement to this legislation. I particularly believe those who found the Dayton-Craig amendment to be anathema should look at this very closely, welcome it, and support it, as should all of my colleagues.

It does provide, as the Senator from North Dakota just said correctly, an

ongoing involvement of the Members of both the House and the Senate in these negotiations. If we are going to be asked to approve these agreements on an expedited basis when they come to us, then I think it is essential we have this opportunity to participate.

The Byrd amendment provides us with a group, the staff, and resources necessary to make qualified judgments. That is an essential role if we are going to have a true partnership with the executive branch.

I note the Constitution of the United States, which the distinguished Senator from West Virginia knows so well, ascribes to the legislative branch the sole authority for governing trade negotiations and all aspects of trade. It does not mention the executive branch. Certainly that responsibility has been devolving to a shared relationship, but it is certainly not one this branch could responsibly cede nor would it want to cede.

I also point out that given the arrangements with the World Trade Organization, which is still expanding its breadth and its reach, once rules have been established by that body, it is my understanding they can only be changed by unanimous concurrence of all participating countries, which means that once this country has given up to the World Trade Organization any of the laws or the protections that have been established for the benefit of the American people, we cannot unilaterally take them back, which makes it even more important that the amendment of the Senator from West Virginia be passed to give the Congress that oversight and chance to anticipate ahead of time what the consequences are going to be of some of these decisions.

I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. I thank the distinguished Senator from Minnesota. I appreciate his willingness to cosponsor the amendment, and I value his association in the matter.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD. Madam President, I ask unanimous consent the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENTS NOS. 3448 AND 3449

Mr. BYRD. Madam President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from West Virginia controls 48 minutes.

Mr. BYRD. I thank the Chair.

Madam President, I speak on amendments Nos. 3448 and 3449, which I offered earlier.

Madam President, for nearly 50 years I have worked to preserve the institu-

tional integrity of the Senate and the House. Throughout this long period, I have repeatedly and consistently opposed exactly the type of fast-track provisions that are contained in this bill. During my decades in the Senate, I have staunchly opposed fast-track because I believe it improperly delegates to the Executive Branch unwarranted and excessive power over the regulation of foreign commerce. I have to say, however, that upon reviewing this bill, I find its provisions are some of the most offensive to date. This bill continues the sorry trend of giving the President carte blanche to determine what will be contained in a series of trade agreements, and—except for the provisions on trade remedies exempted by the Dayton-Craig amendment—deprives the Senate of any opportunity to amend these agreements in order to either improve their provisions or correct any deficiencies they may contain.

This bill impedes the ability of the Senate to enact a resolution of disapproval against a trade agreement that it finds objectionable. Although, at first glance, the bill appears to permit a Senator to introduce a resolution of disapproval rejecting a trade agreement that is brought back to the Senate by the President, the reality is that such a resolution most probably would never come to the floor of the Senate for a vote.

This is because the bill states that, once a resolution of disapproval is introduced and referred to the Senate Finance Committee, it will not be in order for the full Senate to consider the resolution if it has not been reported by that committee. In other words, a disapproval resolution cannot be forced to the floor through a discharge of the Senate Finance Committee. The way this bill is currently written, if a resolution of disapproval is not reported out of the Senate Finance Committee, it might as well never have been introduced. The resolution simply languishes, and languishes, and languishes, and languishes.

This means that, so long as the Senate Finance Committee endorses the President's agreement, the views of the rest of the Senate are irrelevant. Enacting fast-track in this bill not only provides the President with unfettered authority to negotiate trade agreements, it also prevents the Senate from exercising its constitutional responsibility to reject or modify trade agreements that are not in the best interests of the American people.

The Constitution in Article 1, Section 8, not only provides Congress with the power to "lay and collect taxes, duties, imposts and excises" and to "regulate commerce with foreign nations," but it also gives the Congress the authority to enact all legislation that "shall be necessary and proper for carrying into execution the foregoing powers." This authority of the Congress to enact or to refuse to enact legislation

applies specifically to the trade agreements that the President seeks to negotiate under fast-track.

It is imperative that every Senator retain his or her right to introduce a resolution of disapproval that can be considered in the light of day by the full Senate. The rules of the Senate exist not only to protect the rights of its Members. In fact, it should be said that the rules and procedures exist to protect the rights of the people. This body is uniquely structured to provide a voice and power to the minority. I repeat, the minority. And I remind my colleagues in this Chamber that a minority can be right. The rules of this body, in fact, provide each individual member with leverage, and each of us has a stake in ensuring that these rules are respected, and that procedural changes of this type are only undertaken with great care and thoughtfulness.

To this end, I am introducing two amendments to require that, upon introduction, any resolution of disapproval—including an extension resolution of disapproval—will be referred not only to the Senate Committee on Finance, but also to the Senate Committee on Rules and Administration. After all, it is the Rules Committee that is charged with making the rules and procedures that govern this institution, and its expertise is essential to guarantee that the commitments undertaken by our trading partners in the trade agreements we negotiate are enforceable under U.S. law.

Under these amendments, each of these committees will be required to report the resolution of disapproval that has been referred to it within 10 days of the date of its introduction and, if either of these committees fails to report the resolution of disapproval within that time, either of these committees shall automatically be discharged from further consideration of the resolution. The resolution shall then be placed directly on the Senate Calendar. Once the disapproval resolution is placed on the Senate Calendar, any Senator may make a motion to proceed to consider that resolution, and the motion to consider the resolution shall not be debatable.

The language in this bill and its accompanying report prohibiting a resolution of disapproval from being discharged from the Finance Committee constitutes a sharp distortion of the Senate's rules that would dramatically impede the rights of the 79 Members of the Senate who happen not to serve on the Senate Finance Committee. In other words, almost four-fifths of the Senate will have no say regarding whether what the President has negotiated is right or wrong.

If enacted as currently written, this bill would effectively cut a majority of Senators out of the trade regulation process, preventing them from correcting sweeping changes in trade law that could unfairly affect the lives of their constituents who rely on the Sen-

ate to protect their interests. It is not as if Senators, in recent years, have had much of a say in trade matters. They have not. And what little voice they have had has been suppressed, if not silenced, on too many occasions by this gimmick called fast-track, a gimmick now renamed "trade promotion authority." This legislation goes beyond fast-track in its impairment of the Senate's prerogatives.

I cannot support surrendering the rights and prerogatives, the duties and responsibilities of the Senate to any president of any political party. We in the Congress have an obligation to strike down trade agreements that adversely affect the American people. But it is impossible for us to do so if we do not provide ourselves the opportunity to adequately review, debate, amend, or reject their provisions as we are rightly empowered to do under the Constitution of the United States. These amendments ensure that we retain the power to modify or reject trade agreements that are not in the best interests of the majority of the people of the United States and, in so doing, protect the economic well-being of the Nation and of the people we represent.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Madam President, I support giving the President trade promotion authority, as the bill now before the Senate would do. It is essential that we work with President Bush to ensure that we break down barriers and promote the sale of U.S. goods and services and agricultural commodities in other countries.

Export markets are absolutely necessary to assure the profitability of American agriculture. America's farmers are producing more but exporting less.

Last year, exports of U.S. farm products amounted to just over \$50 billion. That is a decrease from 5 years ago when we reached a high of \$60 billion in foreign exports.

For our country to prosper, we must have access to foreign markets. These markets not only help farmers; they help create jobs in processing industries, as well as transportation.

Tariffs in other countries against our farm products are too high. They can be reduced through aggressive negotiation by our President. The tariff on U.S. agricultural products averages over 60 percent compared to under 5 percent on other domestic goods. If the President had the authority to negotiate international trade agreements, farm receipts would go up and not down as has been our recent experience.

One out of every three acres planted by farmers across America is intended for export. But because we aren't selling all we produce, commodity prices are going down, and the agricultural sector is having a very hard time making ends meet.

One of my State's biggest exports is poultry. The Mississippi broiler industry, which is one of the largest in the Nation, accounts for 40 percent of all farm receipts in my State. That industry especially benefits from trade agreements that prohibit quotas and reduce tariffs.

As a result of breaking down trade barriers on poultry, my State's exports to the Philippines, for example, have risen over 600 percent. This is a clear reminder of the positive result we can obtain through free trade agreements.

Throughout the world, there are about 150 different trade agreements among other countries. The United States is only partner to three of them. For every market that is opened through country-to-country negotiations, an opportunity is lost for America.

I urge the Senate to approve this trade promotion authority legislation.

I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LEVIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. DAYTON). Without objection, it is so ordered.

AMENDMENT NO. 3543 TO AMENDMENT NO. 3401

Mr. LEVIN. Mr. President, I ask unanimous consent that it be in order at this point that I send an amendment to the desk on behalf of myself and Senator VOINOVICH, an amendment to the Baucus substitute.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for himself and Mr. VOINOVICH, proposes an amendment numbered 3543 to amendment No. 3401.

On page 228, line 21, insert after "exports" the following: "(including motor vehicles and vehicle parts)".

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I offer an amendment with Senator VOINOVICH, my fellow co-chair of the Senate Auto Caucus and Senator STABENOW. Our amendment would include in one of the listed principal negotiating objectives of the United States to reduce trade barriers in other countries to U.S. motor vehicles and vehicle parts. Increasing access for our products to markets which are closed or partially closed to us surely should be the objective of all of us.

Other countries have full access to our market for their autos and auto parts. The fast track provision we are considering makes it a principal negotiating objective to expand trade and reduce barriers for trade in services, foreign investment, intellectual property, electronic commerce, and agriculture, and other sectors. Yet the biggest portion of our trade deficit is in

autos. In 2001, our automotive deficit made up over 31 percent of our total trade deficit with the world. In 2001, our automotive deficit was 59 percent of our total trade deficit with Japan and 53 percent of our total deficit with Korea.

No omnibus trade bill should leave the Senate without addressing barriers to our products which are the largest contributors to our trade deficit. We can start by making opening foreign markets for U.S. automotive products one of our principal negotiating objectives.

America's domestic auto industry is the largest manufacturing industry in the United States. The domestic auto industry alone contributes almost 4 percent to the total U.S. Gross Domestic Products. Our domestic auto manufacturers operate 52 manufacturing and assembly facilities in 19 states around the country, and when auto parts manufacturers are included, there is an automotive manufacturing presence in almost every state. The Big 3 automakers directly employ over 500,000 people in automotive-related jobs in the U.S. That number grows by an additional 2 million jobs when you count automotive suppliers and other related industries.

The auto industry is also a hi-tech manufacturing industry. It is one of the largest users of computers and the advanced technologies. It also spends nearly \$20 billion annually on research and development, more than any other industrial sector in America. The U.S. auto industry contributes mightily to our economic well being. Yet we continue to neglect it when it comes to insisting on fair market access for exports of autos and auto parts.

The U.S. passenger vehicle market is the most open and competitive in the world. But when we go to sell our autos and auto parts in foreign markets, we face significant trade restrictions. Some of the most egregious practitioners of unfair trade in autos and auto parts are Japan and Korea. The sale of American vehicles and auto parts in Japan has been blocked by protectionist measures such as government regulations dealing with vehicle certification, inspection, and repair. In Korea, restrictions include a tax system that discriminates against imported vehicles by making them prohibitively expensive, discriminatory practices such as labeling foreign vehicles as "luxury goods," and the perception that the purchase of a foreign vehicle will trigger a tax audit.

Since 1990, the U.S. automotive trade deficit with Japan has averaged 55 percent of our total trade deficit with Japan. A 5 year market opening agreement in autos and auto parts that was largely a failure. The U.S. automotive trade deficit with Korea has grown significantly since 1995 despite two automotive market opening agreements with Korea.

Japan and Korea want it both ways. They want to keep a sanctuary auto-

motive home market that is protected from competition while they export a significant portion of production to the United States.

We have been trying to open Japan's automotive markets for decades to no avail. In the mid-1980's we engaged in 8 years of Market Oriented Sector Specific, MOSS, talks with Japan to try to open Japan's auto parts market. During that time, our auto parts deficit with Japan rose from \$3.3 billion in 1985 to nearly \$11 billion in 1992 despite modest increases in sales by U.S. parts makers to the Japanese. The MOSS talks were followed by Framework talks in autos and auto parts which led to a 1995 U.S.-Japan Automotive Trade Agreement with the goal of increasing market access in Japan for U.S. autos and auto parts. That goal has not been achieved. Despite that fact, the Administration has allowed the Agreement to expire. Meanwhile, the U.S. trade deficit with Japan in autos and auto parts has gotten worse. The auto and auto parts trade deficit was \$32.9 billion in 1995. By the end of 2000 when the Agreement was allowed to expire, it was \$44.2 billion, more than 60 percent of the overall U.S. trade deficit with Japan and 10 percent of the worldwide U.S. trade deficit.

The U.S. government, in its annual Trade Barriers Report, acknowledges that it is disappointed with the access of North American-made vehicles and parts to Japan.

When it comes to automotive trade between the United States and Korea, the numbers speak for themselves. South Korea has the most closed market for imported cars and trucks in the developed world. While foreign vehicles account for only 1/2 of one percent of its total vehicle market, Korea depends on open markets in other countries to absorb its auto exports. Korea exports half of all the passenger vehicles it produces, with many of those vehicles coming to the U.S. Last year, Korea imported only 7,747 vehicles from the United States and exported over 600,000 to our country.

This imbalance exists despite two separate automotive trade agreements between the United States and Korea which were supposed to open Korea's market: the first in 1995 and the second in 1998. This imbalance is unfair to America and its workers and only threatens to get worse if we do not act immediately.

The amendment Senator VOINOVICH and I have introduced attempts to address the gross inequities in market access for U.S. autos and auto parts among some of our major trading partners. Our amendment would make market access for motor vehicles and vehicle parts a principal negotiating objective of the United States. The underlying bill includes 14 principal negotiating objectives and the Senate voted overwhelmingly to add textiles to that list. Since autos and auto parts are the largest part of our deficit, it is unacceptable that foreign trade barriers

that exclude U.S.-made passenger vehicles and auto parts from certain markets are allowed to exist. We must act to get rid of those barriers.

Our amendment would make it a principal negotiating objective to expand competitive market opportunities for U.S. motor vehicles and vehicle parts and to obtain fairer and more open conditions of trade by reducing or eliminating tariff and nontariff barriers.

The current trade situation in autos and auto parts is unfair to America. We simply want access—to compete—no guarantees, just access. Every nation in the world strives to have a successful automotive industry and fights for that industry. We should do the same. The nearly 2.5 million men and women working in our nation's largest manufacturing industry deserve nothing less.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, without objection, the amendment is agreed to.

The amendment (No. 3543) was agreed to.

Mr. LEVIN. Mr. President, I move to reconsider the vote.

Mr. GRASSLEY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LEVIN. If there is no one else who seeks recognition at this point—

Mr. GRASSLEY. I would like to have recognition on another matter, on the Byrd amendment.

Mr. LEVIN. If I may take 2 minutes.

Mr. GRASSLEY. Yes, go ahead.

I thank my friend, Senator GRASSLEY, for helping us to work out this matter. As always, he is a gentleman and is accommodating. Again, we are very grateful for the effort he made to make this possible.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

AMENDMENT NO. 3447

Mr. GRASSLEY. Mr. President, is the regular order the Byrd amendment?

The PRESIDING OFFICER. The regular order is the Hollings second-degree amendment to the Byrd amendment.

Mr. GRASSLEY. Would I be in order to speak on the Byrd underlying amendment?

The PRESIDING OFFICER. Yes.

Mr. GRASSLEY. Mr. President, I am strongly opposed to this amendment, for two reasons.

First, the amendment would disrupt the bipartisan balance we achieved in the Finance Committee on Trade Promotion Authority. Republicans and Democrats looked carefully at all the issues, especially the issues relating to Congressional notification and consultation, and approved a bill that, overall, goes farther in terms of congressional oversight and consultation than we have ever gone in fast-track legislation.

The second reason I oppose this amendment is that it would essentially

strip the Finance Committee of much of its traditional authority and jurisdiction over the trade policy oversight function.

According to this proposed provision, none of the proposed eight members of the Congressional Oversight Group may be members of the Senate Finance Committee.

Under this amendment, more than twenty percent of the Senate would be shut out from direct oversight of how trade negotiations subject to fast-track procedures are being conducted.

In that regard, this is a very radical amendment.

It strikes me as extremely unusual, to say the very least, that the Finance Committee, which wrote and passed the bipartisan trade promotion authority bill in the first place, would be given almost no role whatever in the oversight process once trade promotion authority becomes law.

I say almost no role, because some Finance Committee members—those few who are congressional advisers for trade policy—would apparently have some limited role, in that the cochairs of the Congressional Oversight Group are required to meet with them “regularly”.

Mr. President, this is not the way that oversight of trade policy should be conducted.

I don't believe that any member of a Senate Committee—especially the Finance Committee—should be automatically excluded from the entity that the Senate establishes to review and monitor trade negotiations.

But that is exactly what this amendment does.

Do the proponents of this amendment mean that we can't trust Members of the Finance Committee to do the job the jurisdiction of their committee confers on them?

It appears that is exactly what this means.

This is not just bad policy.

Specifically excluding Senators from serving in any oversight capacity would also set a terrible precedent.

The congressional oversight process that Senator BAUCUS and I designed in the bipartisan trade promotion authority bill is a good one, and it should be preserved.

Mr. President, I strongly urge my colleagues to reject this amendment.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRASSLEY. Mr. President, hopefully, tomorrow, after a few rollcall votes on a few remaining amendments, we are going to have an opportunity to pass this bipartisan trade promotion authority act of 2002. I would like to

address the issue of the bill for a few minutes while we are waiting for final action by the Senate on how we proceed tomorrow.

This bill provides the President with the flexibility he needs to negotiate strong international trade agreements on behalf of U.S. workers and farmers while maintaining Congress's constitutional role over U.S. trade policy. It represents a thoughtful approach to addressing the complex relationships between international trade, workers' rights, and the environment, without undermining the fundamental purpose and proven effectiveness of trade promotion authority procedures.

Specifically, this bipartisan act gives the administration the authority to negotiate and bring back trade agreements to Congress that will eliminate and reduce trade barriers relating to manufacturing, services, agriculture, intellectual property, investment, and e-commerce.

The legislation supports eliminating subsidies that decrease market opportunities for U.S. agriculture or unfairly distort markets to the detriment of the United States, with special emphasis on biotechnology, ending unjustified barriers not based on sound science, and fair treatment for import-sensitive agriculture.

The legislation preserves U.S. sovereignty while engaging new trade agreements that will create solid economic growth, improve efficiency and innovation, create better, high-paying jobs for hard-working Americans that on average pay 15 percent above the average wage, and increases the availability of attractively priced products into the U.S. market for the benefit of our consumers.

The legislation adds a trade negotiating objective on labor and the environment—very important provisions for many Members of this body. This is done to ensure that a party to a trade agreement does not fail to effectively enforce its labor and environmental laws through a sustained or recurring course of action or inaction, recognizing a government retains certain discretion.

It strengthens, under the labor and environmental provisions, the capacity to promote respect for core labor standards and to protect the environment, to reduce or eliminate government practices or policies that unduly threaten sustainable development, and it seeks market access for U.S. environmental technologies, goods, and services.

The legislation adds a new negotiating objective on enforcement, giving labor and environment disputes covered by the agreement parity with other issues in the trade agreement.

It sets forth other Presidential priorities not covered by trade promotion authority, including greater cooperation between the World Trade Organization on the one hand, and the International Labor Organization on the other hand, and consultative mecha-

nisms among parties to trade agreements to strengthen the capacity of U.S. trading partners to promote respect for core labor standards and the environment, technical assistance on labor issues, and reporting on the child labor laws of U.S. trading partners.

The legislation directs the President to take into account legitimate health, safety, essential security, and consumer interests. It directs the Office of the U.S. Trade Representative to preserve our ability to enforce vigorously U.S. trade remedy laws and avoid agreements which lessen the effectiveness of U.S. antidumping or countervailing duty laws.

The legislation contains negotiating objectives on investment to increase transparency for the dispute settlement process, calls for standards of expropriation and compensation that are consistent with U.S. legal principles and practice, and eliminates frivolous claims.

The bill expands and improves consultations between the administration and Congress before, during, and after trade negotiations and particularly in the development of implementing legislation.

The Bipartisan Trade Promotion Assistance Act provides trade promotion authority until June 1, 2005, with a possibility of a 2-year extension. I point this out because there is a misunderstanding that Congress is going to give all of its power to the President. We have the consultation I talked about. Most importantly, whatever is agreed to by the President has to be passed by Congress as a law before any agreement can become effective. But we also do not give this power away to the President forever. This is the year 2002, almost June 1. So we are talking about the next 3 years with the possibility of a 2-year extension.

I happen to believe we ought to have standing trade negotiation authority for the President, and we should not have these lapses that we have had since 1994, but obviously the extent to which we give it for shorter periods of time ought to satisfy more Members of this body that we are not giving up our congressional power, which is a specific grant in our Constitution that Congress shall regulate interstate and foreign commerce.

The Bipartisan Trade Promotion Authority Act also contains unprecedented procedures that ensure prompt, meaningful, and extensive consultations with the Congress throughout the negotiating process. In other words, Members of this body and the other body are going to have ample opportunity while the President is doing all this negotiating to have reports given to us, feedback and, obviously, if Congress has to pass a final product, the President, in negotiating a position for the United States, is going to have to take into consideration the views of Members of Congress if the President wants to reach an agreement that will eventually pass by a majority vote in both the House and Senate.

In regard to this negotiation process and consultation therein, the bill establishes a congressional oversight group which is a broad-based, bipartisan, and permanent institution to be accredited as though official advisers to the U.S. delegation to consult with the U.S. Trade Representative and provide advice regarding formulation of specific objectives, negotiation strategies and positions, and development of the final trade agreement.

This congressional oversight group would maximize bipartisanship and input from Members from a broad range of committees comprising the chairman and ranking member of the Ways and Means Committee, three additional committee members, and also the chairman and ranking member, and their designees, of each committee with a jurisdiction over any law affected by trade agreements being negotiated.

The Bipartisan Trade Promotion Assistance Act also requires development of a written plan by the U.S. Trade Representative for consulting with Congress throughout the negotiations. That plan must include provisions for regular and detailed briefings of the congressional oversight group throughout the negotiations, access to documents relating to negotiations by members of the congressional oversight group, and their designated staffs. There would be very close cooperation between the congressional oversight group and the U.S. Trade Representative at all critical periods of the negotiations, including at negotiation sites, after the agreement is concluded, consultations regarding ongoing compliance and enforcement of commitments under the agreement, and finally, transmittal of a report by the Secretary of Commerce to Congress on U.S. strategy for correcting World Trade Organization dispute settlement reports that add to obligations or diminish rights of the United States.

It also provides that the President provide Congress with a written notice of intent to enter negotiations 90 days before initiating negotiations, or as soon as feasible after enactment of trade promotion authority; for negotiations already underway, including the intended date for entering negotiations, specific U.S. objectives and statement of whether seeking new agreements or changes in the existing agreement; and that the President and the U.S. Trade Representative consult with Congress before initiating or continuing negotiations on agricultural products, fish and shellfish trade, textiles and apparel products.

Before and after negotiations begin, the President and U.S. Trade Representative must consult with Congress regarding the negotiations, and particularly the U.S. Trade Representative must consult with all committees with jurisdiction over laws that would affect an agreement.

Before and after negotiations begin, if a majority of the members of the

Congressional Oversight Committee request a meeting, the President himself must meet with the group regarding the negotiations.

I have used the word "consult" many times. It is all reflected in the legislation that Congress is very carefully guarding its constitutional power to regulate foreign and interstate commerce, and we are having a contract with the President of the United States, but that contract is not a blank check to the President of the United States. He keeps in constant touch with us as the words "consulting" and "consultation" and "consult" imply, legally binding that he do that.

So I hope it is very clear we are not willy-nilly delegating some power to the President. Not at all. We are going to be a part of this process.

Now, people might ask why, if Congress is going to be a part of the process, are we having this contract with the President to negotiate for us? It is because of the impossibility, and it ought to be very obvious, 535 Members of Congress not having the ability to be in Geneva or someplace else negotiating with 142 other countries on the issue of some trade agreement. So we ask the President to do it.

I hope the emphasis upon consulting and Congress demanding that the President sit down at certain points during this process indicates that, in fact, we are very selfishly guarding congressional responsibility.

There is another part of notice and consultation that is required before actually entering into final trade agreements by the President, before it is actually signed in other words, because immediately after initiating an agreement the U.S. Trade Representative must consult closely with appropriate congressional committees, including the congressional trade advisers, the congressional oversight group, and the House and Senate Committees on Agriculture.

The President is required, at least 90 days before entering an agreement, to formally notify Congress of his intent to enter into an agreement and publish notice of such intent in the Federal Register. At this time, the President must also notify the appropriate congressional committees of certain amendments proposed to be included in the implementing bill and then provide the International Trade Commission with details of the agreement so the ITC can prepare and submit an assessment of the likely impact of the agreement on the U.S. economy and specific industry sectors.

Before entering into an agreement, the President must consult with the appropriate congressional committees and the congressional oversight group regarding three matters: The nature of the agreement; the extent to which the agreement meets congressional objectives as outlined in the bill before Congress right now; and the implementation of that agreement.

Both Houses of Congress have the ability, in the final analysis, as we all

know and as has been the practice for the last 25 years, to disapprove an agreement by passing separate disapproval resolutions if the administration fails or refuses to notify or consult with Congress in accordance with the bill that is before Congress right now that hopefully we will vote on tomorrow.

Another example of notice and consultation after a trade agreement is entered into: After the President signs it, as soon as practical after entering into an agreement, the President must submit a copy of the agreement to Congress along with statements or reasons that he had for entering into that agreement. The President is required, at least 60 days after entering an agreement, to submit to Congress a description of the changes to existing laws that would be needed to comply with the agreement.

The President is also required to submit to Congress the final text of the agreement and provide an explanation of how the bill implementing the agreement would change existing law, how the agreement makes progress at achieving the Trade Promotion Authority Act's objective, and also he must submit an implementation plan.

When that is all done, we then have to have notice and consultation on an ongoing basis. The President must report to the appropriate congressional committees on the mechanisms created among parties in the agreement to promote respect for core labor standards and to develop and implement sound environmental and health standards.

The President must also report on the required reviews of the impact of future trade agreements on the environment and U.S. employment. Congress may withdraw a trade promotion authority for failure to consult. Disapproval resolutions can be introduced by any Senator and may cover multiple agreements. Grounds for disapproval include failure to make progress in achieving the objectives that the bill has laid out.

Obviously, as I have stated before, none of this happens unless Congress gives approval by majority vote in both the House and the Senate to approve or disapprove these agreements negotiated under this bill that hopefully will pass tomorrow.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. I ask unanimous consent that the time until 10:30 a.m., May 23d, tomorrow, count against the time provided under the cloture.

The PRESIDING OFFICER. Without objection, it is so ordered.



## MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators allowed to speak therein for not to exceed 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

## BRIGADIER GENERAL STEPHEN G. WOOD, DEPUTY DIRECTOR, AIR FORCE LEGISLATIVE LIAISON

Mr. LOTT. Mr. President, I rise to pay tribute to an exceptional officer in the United States Air Force, an individual that a great many of us have come to know personally over the past few years—Brigadier General Stephen G. Wood. General Wood, who currently serves as Deputy Director of the Air Force Office of Legislative Liaison, was recently nominated for promotion to Major General and selected for assignment as Commander of the Air Warfare Center, Air Combat Command, at Nellis Air Force Base in Nevada. During his time in Washington, and especially with regard to his work here on Capitol Hill, General Wood personified the Air Force core values of integrity, selfless service and excellence in the many missions the Air Force performs in support of our national security. Many Members and staff have enjoyed the opportunity to meet with him on a variety of Air Force issues and came to deeply appreciate his character and many talents. Today it is my privilege to recognize some of General Wood's many accomplishments, and to commend the superb service he provided the Air Force, the Congress and our Nation.

General Wood entered the Air Force through the Reserve Officer Training Corps program at the University of Washington, Seattle. He served in various operational and staff assignments including duty as an F-4D pilot, AT-38 instructor pilot, F-16 weapons instructor and squadron operations officer. A command pilot, the general has more than 3,300 flying hours in the F-4, T-33, AT-38 and F-16, including 49 combat missions during Operation Desert Storm.

Throughout his distinguished career, General Wood's exceptional leadership skills were always evident to both superiors and subordinates as he repeatedly proved himself in numerous select command positions. He served as F-16 Operations Officer and Commander of the 10th Tactical Fighter Squadron at Hahn Air Base, Germany; and as Squadron Commander of the 389th Fighter Squadron at Mountain Home Air Force Base in Idaho. He was subsequently selected as Chief of Joint Training Teams at Headquarters, U.S. Atlantic Command, in Norfolk, Virginia. Following this assignment, General Wood was chosen as Commander of the 8th Operations Group in Kunsan Air Base, South Korea; and later as Commander of the 35th Fighter Wing at Misawa Air Base, Japan.

General Wood is best known to us, however, because of his two Air Force assignments involving liaison to the Congress. Many here will remember that from June 1997 until November 1998, General Wood was assigned as Chief, House Liaison Office, of the Office of the Secretary of the Air Force. He excelled in this position, bringing qualities of integrity and professionalism that greatly enhanced relations between the Air Force and the Congress. He was selected in May 2000 to return as Deputy Director of Air Force Legislative Liaison for the Secretary of the Air Force.

In his many years of working with the Congress, General Wood has provided a clear and credible voice for the Air Force while representing its many programs on the Hill, consistently providing accurate, concise and timely information. His integrity, professionalism and expertise enabled him to develop and maintain an exceptional rapport between the Air Force and the Congress. The key to his success, I believe, was his deep understanding of Congressional processes and priorities and his unflinching advocacy of programs essential to the Air Force and to our nation.

I am very pleased that General Wood has been nominated for his second star and I am sure that the Senate will soon concur in that promotion. I offer my sincere congratulations to General Wood for his nomination and for his new assignment as Commander of the Air Warfare Center. On behalf of the Congress and our great Nation, I thank General Wood and his entire family for the commitment and sacrifices that they have made throughout his military career. I know I speak for all of my colleagues in expressing my heartfelt appreciation to General Wood for a job well done. He is a credit to both the Air Force and the United States. We wish our friend the best of luck in his new command.

## HONORING DOLORES HUERTA

Mr. KENNEDY. Mr. President, few people have done as much for America's workers as Dolores Huerta. She is a preeminent labor and civil rights leader who has worked tirelessly and skillfully to enhance and improve the working conditions for farm workers and their families for more than 40 years. She is the heart and soul—and the muscle—of the farm worker labor movement. And I join those in lauding her for all she has accomplished. No injustice and no wrong is too big or too small for Dolores's attention. And we are all so proud of all she does so well.

Born in Dawson, NM, on April 10, 1930, Dolores Huerta was raised, in Stockton, CA, in the San Joaquin Valley. Growing up, she saw first-hand the poverty that local farm workers endured. She also saw the generosity that her mother showed in providing free food and housing to local farm workers.

Dolores earned a teaching degree from Stockton College, but she left the profession because she could not stand to see her students the children of farm workers come to school hungry and without shoes. Convinced that she could be more helpful to their children by organizing farm workers, she founded the Stockton Chapter of the Community Service Organization in 1955, a Latino association to educate and assist these families.

In 1962, Dolores Huerta joined Cesar Chavez in founding the National Farm Workers Association which eventually became the famous United Farm Workers Organizing Committee.

As a co-founder of UFWOC, Ms. Huerta's efforts have led to wide-ranging reforms for farm workers and their families. For example, Ms. Huerta negotiated a contract which established the first health and benefit plan for farm workers. In addition, her consumer boycotts resulted in the enactment of the Agricultural Labor Relations Act, the first United States law that granted workers to collectively bargain for better working conditions. Ms. Huerta also fought hard against toxic pesticides which were destructive to farm workers and the environment, and negotiated agreements to ensure that dangerous pesticides were not used in the fields.

Ms. Huerta has already been recognized by many for the groundbreaking work that she has done. She has received several honorary doctorate degrees and was honored as one the "100 Most Important Women of the 20th Century." In addition, Ms. Huerta was recently named one of six Women Sustaining the American Spirit. We here in the Senate thank Ms. Huerta for her passion and commitment to children, women and farm worker families. All workers deserve fair treatment and safe working conditions. The American people are better off today because of all she has done, and it is a privilege to be able to offer her this tribute from the United States Senate.

## THE FARM BILL

Mr. HATCH. Mr. President, I rise to discuss the recent enactment of H.R. 2646, the Farm Security and Rural Investment Act of 2002, and to explain why I made the very difficult decision to vote against it. First, I wish to express my sincere thanks to the members of the House and Senate Agriculture Committees and the conferees for their very hard work in producing this farm bill. I have no doubt that their aim was the good of America's farmers and of rural America.

There are a number of important provisions in the farm bill that will have a positive impact on our family farms. I am pleased that significantly more funds will go to conservation programs and to help livestock producers and feedlot operators to better protect the environment. I am especially proud of language included in the farm bill that

will restore a modest and carefully constructed wool program for our sheep industry. The new wool payment is crafted to provide some assistance during difficult times but not so much that the wool market will become distorted. I think the wool payment program is a good model for providing farmers with a good safety net.

I wish I could say that the other crop support programs in H.R. 2646 were also well-crafted, but I cannot.

I was a strong supporter of the previous farm bill, or the Fair Act. The Fair Act attempted to free our farmers from the heavy hand of government and restore to our farmers the benefits of the free market.

While I supported the Fair Act, I also recognized that the safety net for our farmers still needed some strengthening. A farm safety net should help farmers succeed in the free market. The alternative is to protect our farmers from the free market, and we have learned from failed farm programs of the past that there is not a good way to do that.

It is unfortunate that our new farm bill appears to be heading back down those same paths. Its greatest weakness is that in an attempt to provide some protection for farmers it goes well beyond the mark. We needed a fresh approach to supporting our farmers, but this latest farm bill is an unpleasant trip down memory lane. It risks turning our farmers into welfare recipients, and it puts the bureaucrat back in the business of running our nation's farms.

In H.R. 2646, the programs for row crops are intended to kick in when there is an oversupply and prices are low. Basic economic principles would indicate, and history has proven, that these counter cyclical programs themselves can create an incentive for overproduction which, in turn, keeps prices low. Unless they are crafted very carefully, counter cyclical programs lead to a spiral of dependency. As long as the government money keeps flowing to the farmers, the overproduction does not bankrupt them. But it does put our farmers on the federal dole, and I don't believe that's where the farmers of Utah want to be.

One of the greatest benefits our government can provide to our farmers is a world system of free and fair trade. Our Nation's farm products are the best, and consumers around the world are clamoring for them. Through tremendous effort and lengthy negotiations, this and past administrations have been prying open foreign markets to U.S. agricultural products. I believe that too many of the programs in H.R. 2646 go beyond support for farmers and instead attempt to protect them from competition. The governments of our largest foreign markets for agriculture products are keenly aware of this, and with some justification they are alarmed by our recent shift toward protectionism. I fear the effects of this shift will hurt farmers. Doors to for-

eign markets that have been opened to our farmers may now close, the possibility for new markets may be quashed, and a greater number of future agricultural trade issues will be decided by the World Trade Organization, not by our trade negotiators.

Another important consideration for me in deciding to oppose H.R. 2646, was the alarming escalation of the cost of the bill. My understanding was that it would take about \$100 billion to keep the current programs running for our farmers. On top of that, we budgeted an additional \$73.5 billion to help meet the needs of our farmers. That is a big increase, but I think our farmers deserve the additional help. I would feel better about spending this extra money, though, if I believed that it would benefit our agricultural industry rather than work against it. I would also feel better about the extra spending if the original \$173.5 billion had not mysteriously risen to a budget busting \$190 billion.

I know the farmers of Utah. They are prudent businessmen who simply want a fair shake. They do not want to go on the government dole, they do not want to close foreign markets, and they do not want to add to our budget deficit. Unfortunately for the farmers of Utah, the farm bill that has recently been signed into law does all of the above. And yet, all this money and all these programs do strangely little for the small farmer of Utah. A full two-thirds of all these programs will go to only 10 percent of our nation's largest farms. This is a particularly grotesque and embarrassing aspect of H.R. 2646. If these largest farms are so efficient, why do they need this level of welfare? Where are the economies of scale that should make the largest farms the strongest?

I voted on the floor of the Senate, along with 65 of my colleagues, to address this issue by providing certain limitations on the size of payments the largest farms could receive under this farm bill. Although two-thirds of the Senate agreed on these payment limitations, the final conference report came back to us stripped of this important provision.

I wish we had a farm bill to which I could have given my blessing, but frankly, H.R. 2646 did not deserve my blessing. I am pleased that Utah's woolgrowers will receive some much needed relief, that our livestock producers in general will receive important funding for conservation measures, and that our crop growers will gain some certainty from the enactment of a farm bill, but I fear there may be a heavy price to pay in the long run for our agricultural industry—a price that could have been avoided with a little more prudence and restraint on the part of the legislators and the farm organizations who helped to develop this farm bill.

I hope that Utah's farmers can understand why I needed to vote against this farm bill. I cherish the farmers of

Utah. I consider them the finest citizens our nation has. There is no group that works harder, that is more patriotic, or that is more morally strong than the farmers of Utah. I have often stated that they are the backbone of our society, and I have always believed it to be true. I will continue to do all I can to support our farmers in the way that I believe they want to be supported, and I think my record reflects that this is what I have attempted to do over the years. I believe that the farmers I represent understand this.

#### TUNA IMPORTS FROM THE PHILIPPINES

Mr. SARBANES. Mr. President, I rise today to express my concerns about a provision in the Andean Trade Preferences Act, ATPA, that will have serious adverse, unintended consequences on United States initiatives in the Philippines and our relationship with the Philippine government.

Both the House and Senate versions of the ATPA would allow canned tuna from the Andean region to enter the United States duty-free, while maintaining the current tariff rates for all other countries. There are slight differences between the two versions: The House version allows all canned tuna imports from the Andean region to enter duty-free; the Senate version extends duty-free treatment to Andean tuna imports up to a cap equal to 20 percent of the preceding calendar year's domestic production excluding production in American Samoa. For the Philippines, however, the House and Senate versions have the same effect. Philippine tuna is sold generically; purchasers of this tuna are the most price-sensitive, and they would gravitate to the cheaper, duty-free product.

Loss of these sales would mean, effectively, the collapse of the tuna market. The major suppliers to the U.S. canned tuna market are just six countries: Thailand, 60 percent; the Philippines, 18 percent; Indonesia, 12 percent; Papua NG, 4 percent; Ecuador and Malaysia, 2 percent each. Of the six, Ecuador is the only one of the six that would benefit from the proposed trade preference, to the sharp detriment of the Philippines. The Philippine government estimates that the implementation of the ATPA preference would affect 24,000 workers directly, and another 150,000 indirectly.

Moreover, it is the economy of Mindanao, where the entire tuna-canning industry is located, that would be especially hard hit. It is on this southernmost island that the poverty level is acute and terrorist activity is concentrated; a number of civilians have been kidnapped or murdered there by Abu Sayef, an extremist Islamic group, and two Americans are currently being held there.

The ramifications of this legislation will almost certainly undercut the Philippine government's efforts in Mindanao. It will undercut U.S. efforts

as well, since the U.S. government through USAID has provided over \$20 million in fiscal year 2001 and fiscal year 2002 in ESF for economic development in Mindanao, and the fiscal year 2003 budget request includes a further \$20 million; ATPA would seriously compromise those investments.

It will of course be argued that the ATPA provision will strengthen the Andean economies and enable them better to resist terrorist encroachments. But our efforts to strengthen these economies should not come at the cost of making anti-terrorist efforts in the Philippines more difficult. Surely that is not the intent, but it could well be an unintentional but highly regrettable consequence of the legislation.

Given the likelihood of grave, harmful consequences for the Philippines, I urge my colleagues to work toward a constructive solution to the problem posed by the ATPA provision that would give duty-free entry to canned tuna from the Andean countries. I ask unanimous consent to have printed in the RECORD the discussion of this issue which appears in today's New York Times.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the New York Times via Dow Jones, May 21, 2002]

#### QUANDARY ON TRADE

(By Keith Bradsher)

GENERAL SANTOS CITY, THE PHILIPPINES, May 16, 2002—How should the United States set its tariffs and trade rules, globally or country-by-country?

It is no arid academic debate to the tuna fishermen of this knockabout port city on the south coast of Mindanao, nor to sugar cutters in the Caribbean or garment workers in Pakistan. Faraway changes in American fine print can have very real, sometimes unintended consequences.

A move in Congress to extend trade preferences to Andean nations, in part to help wean their economies off coca production, could lead to the layoff of thousands of Muslim workers in the tuna industry here, even as American troops help the Philippine army fight Abu Sayyaf Muslim insurgents in this region.

In Pakistan, officials have struggled to win a larger quota for textile shipments to the United States as a reward for Islamabad's help during the conflict in Afghanistan. And in the Caribbean, the emergence of any especially pro-American government brings a request for a larger quota to ship sugar to the high-priced, highly protected American market.

By returning to the pre-1922 practice of awarding preferential trade treatment to certain countries and regions, often for political rather than economic reasons, Washington now finds itself constantly badgered for trade concessions by whatever friendly nation is in the news at any given moment.

This is the problem that most 'favored nation' status was supposed to solve. When countries won that status—as nearly all of America's trading partners did in recent decades—they were assured that their exports would get the same tariff treatment as any other, and that generally, concessions awarded to one would be awarded to all.

After the ruinous bilateral trade competition in Europe in the 1930's, the United

States backed a global adoption of the same approach, leading in the decades after World War II to the international trade rules enshrined in the General Agreement on Tariffs and Trade and later to the creation of the World Trade Organization.

'The history of trade negotiations basically was that, because of the bilateral special deals that inevitably made other nations unhappy, we came around to most-favored-nation treatment and GATT negotiations,' said William Cline, a senior economist at the Institute for International Economics in Washington.

Up through the 1980's, most economists criticized regional trade agreements as just as bad as bilateral deals. Beyond making winners of some countries and losers of others, regional blocs can be bad for global efficiency, by prompting importers to favor a higher-cost producer within the bloc over a lower-cost producer outside whose goods are still subject to high tariffs and quotas.

Global trade agreements minimize such drawbacks, because these days very few countries remain outside them. But global treaties are becoming increasingly difficult to conclude. The last was wrapped up in Geneva in 1993; talks meant to produce the next one did not get under way until last November in Doha, Qatar, and are expected to take years.

But the regional free trade concept has become fashionable again, in great part because of the success of the European Union, which hugely increased trade among its 15 members by eliminating tariffs and trade barriers. It helped inspire the 1992 North American Free Trade Agreement—joining the United States, Canada and Mexico—as well as several other regional groupings.

One provision of the Nafta treaty helped set off the dispute now roiling American efforts to retain the support of the Philippines in the war on terrorism.

Among the tariffs to be eliminated within North America by the treaty is the American duty on canned tuna imported from Mexico. It will not disappear until 2008, and for the moment it means little because Mexico, well north of the equatorial waters where the best fishing grounds are found, has a tiny tuna industry. But tuna from other countries is subject to duty of up to 35 percent, creating a big incentive for Mexico to build up its tuna fleet, despite the high labor and fuel costs for the long journeys to where the tuna swim.

Several smaller Central American and Caribbean nations also have small tuna fleets; three years ago, Congress agreed to phase out tuna duties for them on the same timetable.

To the Andean nations of South America, these concessions posed a serious threat—that preferential access to the United States would soon make big new competitors out of Mexico and Central America. The United States had lowered tariffs on many products from Andean nations like Ecuador and Colombia in 1991, but canned tuna was not among them. When the 1991 concessions came up for renewal last year, the Andean nations, supported by Starkist, demanded that they be expanded to include canned tuna.

Ecuador has a huge tuna fishing fleet, and Colombia a smaller one; both countries are eager to create jobs that do not depend on narcotics trafficking. That persuaded the House of Representatives to approve a bill earlier this year that would immediately eliminate duty on Andean tuna.

A more limited bill that would phase out duty on about a third of current shipments is before the Senate as part of a broader trade bill. If it passes, differences between the provisions would be worked out in a conference of senators and representatives.

Now it is the Philippines' turn to feel threatened. Letting Ecuador and Colombia, but not the Philippines, ship tuna to the United States duty free would be both unfair and unwise, officials in Manila are warning, because of the hardship it would create in this poor, Muslim and sometimes rebellious part of the country, where terrorists are believed to be active. "We understand you want to do this because of narcotics," said Manuel A. Roxas II, the country's secretary of trade and industry, "but terrorism is just as important."

Washington has been on notice for some time that this kind of chain reaction of anger and demands for relief was likely to develop. An influential report by the United States Tariff Commission foresaw that special deals for some countries would "lead to claims from states outside the agreement which, if granted, defeat the purpose of the treaties, and which, if not granted, occasion the preferring of a charge of disloyalty to treaty obligations."

#### VOTE EXPLANATION

Mr. TORRICELLI. Mr. President, I inform the Senate that because of an unavoidable delay, I was unable to arrive in the Senate for a morning vote held on May 22, 2002. Had I been present, I would have voted as set forth below. My vote would not have affected the outcome.

On the motion to invoke cloture on the Baucus Substitute Amendment 3401 to H.R. 3009, the Andean Trade Act, I would have voted against cloture. The amendment on which the cloture vote occurred included Trade Promotion Authority, also known as Fast Track Authority, which I oppose because it fails to require strong, enforceable provisions regarding labor rights and environmental protection in future U.S. trade agreements.

#### LOCAL LAW ENFORCEMENT ACT OF 2001

Mr. SMITH of Oregon. Mr. President, I rise today to speak about hate crimes legislation I introduced with Senator KENNEDY in March of last year. The Local Law Enforcement Act of 2001 would add new categories to current hate crimes legislation sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred February 13, 1992 in Davenport, IA. Two gay men and two of their friends were beaten with baseball bats and metal pipes. The assailants, a group of six men and two women, yelled anti-gay slurs during the attack.

I believe that government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act of 2001 is now a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

## EAST TIMOR'S INDEPENDENCE

Mr. TORRICELLI. Mr. President, I would like to extend my warmest welcome to the newest democracy to join the family of nations. This week, after a long and arduous struggle, the nation of East Timor officially celebrated its independence from Indonesia.

This has been a long and hard fought process for the people of East Timor. For 300 years, they were a colony of Portugal. Then upon the end of colonial rule in 1975, and a brief period of independence, East Timor was annexed to Indonesia.

In August of 1999, the people of East Timor voted in favor of independence from Indonesia. This historic moment regrettably set off a tragic wave of violence that left much of the country in devastation. While the people of East Timor have come a great distance since that moment, there is still much rebuilding and healing to do.

In January of 2000, the United Nations International Commission of Inquiry into East Timor concluded that the terror, destruction and displacement of people that occurred would not have been possible without the involvement of the Indonesian military during August of 2002. During that same period, some 250,000 East Timorese fled to West Timor, while there are still 55,000 refugees who have not been repatriated.

For the people of East Timor to move forward and have positive relations with their Indonesian neighbors, it is vital that these findings be investigated and those who are found guilty of committing crimes against humanity be brought to justice. The Indonesian government has taken an important step in this matter by establishing an ad hoc Human Rights Court for East Timor, however, this court has its own short-comings. By limiting the scope of inquiries to atrocities alleged after the August referendum, it has effectively blocked the prosecution of high-level military officials who are believed to have masterminded the violence. Without the ability to investigate and bring to justice those involved in human rights abuses throughout East Timor's time as part of Indonesia, those who have suffered will be unable to move forward in their lives.

While we cannot forget the injustices of the past, this week is also a time to look forward. East Timor has the opportunity to build a vibrant and prosperous nation. The task of developing a thriving democracy is an ongoing process. It requires a respect for the rule of law and the ability to share differing opinions. I am confident that the people of East Timor will meet these challenges as they have the others before them; and they have taken a positive step by voting to sign the United Nations Declaration of Human Rights as their legislature's first act.

While many of these steps the people of East Timor must take for themselves, the United States and our fellow democracies will still play a vital

role in the hopes of East Timorese. Given the level of destruction, it is important that the United States and other nations continue foreign aid in an effort to enable the East Timorese to provide vital services such as education, shelter, and healthcare to their people. Also, the established democracies of the world can provide valuable insight into the running of democratic institutions as the government of East Timor undertakes the responsibilities of full sovereignty. These and other forms of aid will play a vital role in the ability of East Timor to mature as an established nation.

Lastly, this momentous occasion would not have been possible without the perseverance of the people of East Timor and supportive non-governmental organizations such as the East Timor Action Network, and I commend them on their efforts. The people of East Timor have endured much to gain their freedom, and I wish them the best in their newfound independence.

## PARKINSON'S DISEASE

Mr. HARKIN. Mr. President, today I chaired a hearing on Parkinson's Disease in the Labor, Health and Human Services and Education Appropriations Subcommittee. I was profoundly touched by the victims of this disease who came to testify and by the many, many victims, families and advocates who came to Washington to put a human face on this horrible disease. As a Congress, we can't take the time to listen to every story but I ask unanimous consent that one little girl's story be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

## LETTER FROM MAYA FIELDER

My name is Maya Fielder and I am 9 years old. I live in Palo Alto, California and I am in the 4th grade at Escondido School.

When I was a little baby my Mom found out she had Parkinson's Disease. I was with my Mom, but I don't really remember when the doctor told her she had a bad disease that gets worse and worse and doesn't have a cure. I know that now there are lots of things I can't do with my Mom and sometimes I feel like I have to take care her instead of her taking care of me.

I learned that Parkinson's Disease is when your brain doesn't produce enough dopamine. Dopamine is important because it tells your body how to move. My Mom's body tremors and she can't write things down or if she does no on can read it, not even her. She gets disabled to walk so she rides my scooter around the house (I'm not allowed to ride in the house though). And sometimes she can't even walk until her medicine starts working so my Dad and I get things for her. She takes tons of pills every day but the medicine or the disease causes more problems for her so my Mom tries new medicines and different things a lot to try to get better.

Our whole family works hard to help find a cure for Parkinson's. My mom talks about Parkinson's to the newspapers or on the news whenever she can and sometimes my name or picture is shown too! We had a charity art show at our house and Uncle Dan's

art raised a lot of money. I even sold a painting and all the money went to Parkinson's research. My mom said that if researchers got enough money from Congress and from regular people that scientists could find a cure in 5 or 10 years. That would be good because I won't be a grown-up yet and my Mom will get better and we could go iceskating together.

But now we have a big problem. I heard President Bush say that all cloning research has to stop. My Mom was really upset because she said the President and some people in Congress want to stop researchers from finding a cure for Parkinson's and lots of other diseases that make millions of people sick. I don't get it.

One part of the Pledge of Allegiance says "Liberty and Justice for all". I don't think the government is giving us much liberty or justice—at all!

People are scared of the kind of cloning that would make new people (reproductive cloning). But what's so scary about finding a cure for my Mom? That kind of cloning is called therapeutic cloning and doesn't make people or kittens or anything like that—it would just help my Mom's brain work again like it is supposed to.

I think that the people who make the laws should make rules so scientists won't do bad things with research. But can't they still be allowed to do the good research? My mom said the Brownback bill that is being voted on Congress soon wouldn't allow scientists to do the good kind of research that would help her. She also said that this law wants to put people like her in jail if they try to get cured. That's just dumb! My Mom isn't doing anything wrong by just trying to get well.

I thought I might want to be a scientist when I grow up but I don't think so any more. I just want to find a cure for my Mom. I guess I'll become the President of the United States so that I can make good laws that help people and cure diseases. I'll let scientists do their work and make all kinds of new discoveries.

I know that this isn't the most important thing for everyone. But I think that if someone in your family was sick and you were worried, that you would do everything you could to help them get better. You wouldn't make laws so that a cure would not be found and you wouldn't put them in jail.

Please help find a cure for my Mom and everyone else that needs one instead of making it harder. I'm doing as much as I can do to help my Mom and other people too (when I'm not in school or doing sports or playing violin, but Mommy says that helps her too). This is really important to a lot of people. Thank you.

## ADDITIONAL STATEMENTS

## TRIBUTE TO DIANE CALLAWAY

• Mr. BIDEN. Mr. President, I am pleased to note for the record this morning the election of a proven leader in my State to serve in national office.

Diane J. Callaway has worked in the Seaford School District in Delaware for 28 years. In the course of her career, Mrs. Callaway has been active in professional associations at the local, state and national level, serving in virtually every leadership position, both elected and appointed. It came as no surprise to anyone, when Diane Callaway received Delaware's first Educational Office Professional of the Year award.

In 1990, Mrs. Callaway earned a Professional Standards Program certificate and distinction as a Certified Educational Office Employee, CEOE, from the National Association of Educational Office Professionals. She served for four years as the NAEOP's Mid-Atlantic Area Director, and currently serves on the Association's Board of Directors Executive Committee. Mrs. Callaway has been elected to serve as President of the NAEOP for 2002-2003.

Needless to say, we in Delaware are very proud of Diane Callaway proud of her success, proud of the prominent role she is playing at the national level, and most of all, proud of her tremendous contribution to the quality of our schools. We congratulate her on her election, and we thank her for her service to us all.●

#### THE LEGACY OF FLOYD BOLDRIDGE

● Mr. BROWNBACK. Mr. President, today, I rise to recognize the legacy of a true Kansan, Floyd Boldridge. Mr. Boldridge was a life-long farmer and family man. During his life, he was loved by not only his family but by the community of Atchison, Kansas as well. During his funeral, La Rochelle Young, of my staff read a tribute to her uncle, Floyd Boldridge. As we prepare to honor our loved ones during the upcoming Memorial Day holiday, I think it is a fitting tribute to Mr. Boldridge to enter his tribute into the record of the United States Senate. I join with La Rochelle and Mr. Boldridge's ten children, Gloria Wallingford, Virginia Carol Harvey, Shirley Gooch, Betty King, Thelma Hibler, Leonard Boldridge, Dennis Boldridge, Brenda Nettles, Annette Boldridge and Eric Harvey.

I ask that Mr. Boldridge's tribute be printed in the RECORD.

The tribute follows:

#### THE LEGACY OF FLOYD BOLDRIDGE

(By La Rochelle Murray, Niece of Floyd Boldridge)

January 31, 2000

A legacy of love, of family, of commitment and of integrity can be said of the man who many called father, grandfather, uncle, cousin, brother, friend, bull and baby boy. Floyd Boldridge was the youngest of six rambunctious boys. And as the "baby" of the family, he was loved, protected and cherished in many ways. In fact, one of the brothers' favorite past times was bouncing "baby boy" on the bed and then lovingly watch him bounce off onto the floor. Perhaps, this is where Uncle Floyd developed his sparkling personality, his infectious laughter that could penetrate any person or situation, and the indescribable bond between his brothers and his fierce commitment to his family and friends.

As a young man, Uncle Floyd grew up in a spiritual family that not only took pride in the teachings of Christ, honesty and hard work but also took extreme pride in the Boldridge name as well. This was shown throughout Uncle Floyd's life. Like most large families, each son possessed a special gift—one that was different from the other

brothers. However, instead of dwelling on the others' gift, each brother nurtured and cultivated his gift in order to combine their gifts with one another and sustain themselves.

During an interview, Uncle Floyd was once asked about his thoughts concerning The Great Depression. His response was simplistic yet profound. He said that he did not recall feeling the effects of the depression because he and his brothers never wanted for anything. They pooled their resources together, which allowed them to be self-sufficient and continued living comfortably during one of the darkest times in our nation's history. This lesson and the many other lessons that he learned from his brothers was what sculpted him into the energetic, fiercely loyal, loving man that his children—and all of us because to Uncle Floyd, we were all his family—remember today.

During the early years of Uncle Floyd's life, his passion and zeal for life was transferred to his ever-growing family. Everyone who knew Uncle Floyd knew that he was very proud of his children. His love for his family surpassed everything in his life and will continue to live on in the lives of his children and grandchildren. There were many facets to Uncle Floyd's life but none compared to the love of his children.

For example, when his daughter, Tammy, brought her husband, Don, to meet her father for the first time, Uncle Floyd positioned himself so that his five foot seven inch frame was on a hill and Don, who is six feet three inches tall, was on a flat portion of land. Once this was achieved, Don was eye level with Uncle Floyd. It wasn't until later that Don realized what had happened because he was so intimidated by Tammy's father.

Uncle Floyd also had a passion for peace and happiness between everyone. He was never one to cause conflict or allow conflict to be in his presence. He had a vivacious personality that allowed him to realize that life was a series of challenges and having a negative or defeatist attitude would only make one's life miserable. Instead, he choose to look to God first for understanding and then actively engage in positive actions.

Although Uncle Floyd was a peaceful and loving man, he was also known for his enormous strength, which earned him the nickname "Bull." And like Sampson, everyone who tried to overpower him received an often surprising and sometimes painful result. For example, one of my Uncle Floyd's nephews, Marvin, decided to test his uncle's strength at work. Marvin made the bad decision to grab Uncle Floyd's arms. Not only did Marvin say that grabbing Uncle Floyd was like grabbing a hunk of steel, but remembers being turned upside down in the process. All Marvin recalls of that moment was his father yelling, "Don't kill him Bull!!!"

My father, Walter D. Murray, also remembers his first introduction to Uncle Floyd. He had heard many stories regarding Uncle Floyd's strength and thought that he would show him what strength really was. So, when he shook Uncle Floyd's hand, he squeezed with all of his strength and found that not only did Uncle Floyd match his strength but surpassed his strength so much so that after almost falling to his knees, he had to ask Uncle Floyd to release his hand.

Indeed Uncle Floyd loved life and lived his life to the fullest and in doing so blessed our lives immeasurably. So what can be said of his legacy? Uncle Floyd left us with a profound legacy of love for God, his Son, Jesus Christ and the Holy Spirit, peace among ourselves and love for our fellow human. Like Christ, Uncle Floyd believed in treating others as we would treat ourselves. That is why he cherished his trips to the Holy Land.

Uncle Floyd loved to share every aspect of his trips to the Holy Land including Jerusalem and Bethlehem. It was on one of these trips that he turned to his daughter, Betty, and said, "I am seeing with these eyes what my father read to me from the Bible many years ago."

Uncle Floyd was a steadfast, deeply religious man who loved Christ and the Church. In fact many nights, Uncle Floyd could be found in the kitchen of Campbell Chapel African Methodist Episcopal Church, where he was a life-long faithful member, cooking his famous cabbage or my personal favorite, fried corn. And many of Uncle Floyd's friends will remember the dinners he would fix after a hunting trip or even if they just chose to drop in and visit him at his home.

Uncle Floyd also left us with the legacy of the Port William Bridge. Uncle Floyd, along with his many friends, worked tirelessly on achieving the dedication of this historic bridge. Uncle Floyd knew the importance of remembering the past in order to bridge a pathway to the future. That is the reason I brought my fiancé, Adrian K. Young, Jr., to meet Uncle Floyd in order to gain his approval. And Eric remembers when he was about to embark on his career as a professional soccer player that uncle Floyd said to him, "You've now got your foot in the door—don't let that door close." Eric now uses this premise when he is coaching his soccer team.

So we thank you Uncle Floyd for your gift of laughter, your loving manner in which you made everyone especially your children feel loved and appreciated, your dynamic and often times animated personality, and your legacy of love and peace. We will always love you and forever cherish the time we spent with you.●

#### DEATH OF STEVEN PATRICK LOVATO

● Mr. BINGAMAN. Mr. President, I rise today to pay tribute to the life of Steven Patrick Lovato, an Emergency Medical Technician who was killed in the line of duty while responding to a 911 call on March 16, 2002 in his hometown of Roswell, NM.

Steve received his initial EMT training in Las Cruces, NM and then joined the American Medical Response team in Roswell in 1998. During the course of his service in Roswell, he was a company safety officer and driving instructor. Last year he was awarded AMR's Vision and Guiding Principles Award for his responsiveness to patients. He was also recently selected as a company mentor to help teach and develop other EMT's.

Steve was known for his passion for emergency medicine and his unselfish desire to help others. He often commented about how much he loved going to work and serving his community. Steve is survived by his wife Josephine, his ten-year-old son Alex, and his parents, Lawrence and Rosie Lovato, all of Roswell. I would like to extend my condolences to Steve's family. Steve's sacrifice is the ultimate sacrifice, and his family's as well, and we join with them in mourning his death.●

#### COMMENDING OKLAHOMA STUDENTS

● Mr. INHOFE. Mr. President, I would like to briefly comment on an exceptional group of students from my State

of Oklahoma. Recently, a group of students from Tahlequah High School in Tahlequah, OK, participated in the national finals of "We The People . . . The Citizens and the Constitution." These students traveled here to Washington, DC for the final competition after excelling in the preliminary stages.

This contest is held for students who have a remarkable knowledge of American history. The group includes Chris Augerhole, J.R. Baker, Chad Blish, Ryan Cannonie, Taylor Gibson, Carlton Heard, Cobin Heard, Zach Israel, Doug Kirk, Helena Loose, Lacie Newman, Tim Pace, Rebecca Walker, Derek Whaler, Brandon Zellner and their teacher Norma Boren.

These young Oklahomans demonstrated their ability to articulate the ideals of American government while taking part in a simulated congressional hearing.

I commend these students for their outstanding achievement.●

#### IN RECOGNITION OF HADASSAH'S 90TH ANNIVERSARY

● Mr. TORRICELLI. Mr. President, I rise today in recognition of Hadassah, the Women's Zionist Organization of America as they celebrate their 90th anniversary. Hadassah is a non-profit volunteer women's organization dedicated to health care, education, and advocacy. Originally created to bring modern health care to the sick and suffering inhabitants of Palestine, Hadassah has grown into a thriving international organization actively engaged in issues that affect the health and livelihood of Jewish people throughout the United States and Israel.

Founded in 1912, Hadassah retains the passion and timeless values of its founder, Henrietta Szold, Jewish scholar and activist, who was dedicated to Judaism, Zionism, and the American ideal.

In Israel, the Hadassah Medical Organization, HMO, runs two hospitals, five schools, outpatient clinics, research facilities, and a community health center. With support from over 300,000 Hadassah members worldwide, HMO offers expert treatment and tender care to more than half a million people in Israel each year.

In the United States, Hadassah enhances the quality of American and Jewish life through its education and Zionist youth programs. It promotes health awareness and provides personal enrichment and growth for its members.

In a year long celebration, Hadassah will commemorate its 90 years of service. To mark this occasion, I would like to applaud Hadassah and its members for their efforts to improve the lives of all the people they serve.●

#### MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

#### EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

#### MESSAGES FROM THE HOUSE

At 12:35 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 486. An act for the relief of Barbara Makuch.

H.R. 487. An act for the relief of Eugene Makuch.

H.R. 1877. An act to amend title 18, United States Code, to provide that certain sexual crimes against children are predicate crimes for the interception of communications, and for other purposes.

H.R. 3375. An act to provide compensation for the United States citizens who were victims of the bombings of United States embassies in East Africa on August 7, 1998, on the same basis as compensation is provided to victims of the terrorist-related aircraft crashes on September 11, 2001.

H.R. 3833. An act to facilitate the creation of a new, second-level Internet domain within the United States country code domain that will be a haven for material that promotes positive experiences for children and families using the Internet, provides a safe online environment for children, and helps to prevent children from being exposed to harmful material on the Internet, and for other purposes.

H.R. 3994. An act to authorize economic and democratic development assistance for Afghanistan and to authorize military assistance for Afghanistan and certain other foreign countries.

H.R. 4015. An act to amend title 38, United States Code, to revise and improve employment, training, and placement services furnished to veterans, and for other purposes.

H.R. 4085. An act to amend title 38, United States Code, to provide a cost-of-living increase in the rates of compensation for veterans with service-connected disability and dependency and indemnity compensation for surviving spouses of such veterans, to expand certain benefits for veterans and their survivors, and for other purposes.

H.R. 4231. An act to improve small business advocacy, and for other purposes.

H.R. 4514. An act to authorize the Secretary of Veterans Affairs to carry out construction projects for the purpose of improving, renovating, and updating patient care facilities at Department of Veterans Affairs medical centers, and for other purposes.

H.R. 4592. An act to name the chapel located in the national cemetery in Los Angeles, California, as the "Bob Hope Veterans Chapel."

H.R. 4626. An act to amend the Internal Revenue Code of 1986 to accelerate the marriage penalty relief in the standard deduction and to modify the work opportunity credit and the welfare-to-work credit.

H.R. 4782. An act to extend the authority of the Export-Import Bank until June 14, 2002.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 405. Concurrent resolution commemorating the independence of East Timor and commending the President for promptly establishing diplomatic relations with East Timor.

At 2:03 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 3448) to improve the ability of the United States to prevent, prepare for, and respond to bioterrorism and other public health emergencies.

#### MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 486. An act for the relief of Barbara Makuch; to the Committee on the Judiciary.

H.R. 487. An act for the relief of Eugene Makuch; to the Committee on the Judiciary.

H.R. 1877. An act to amend title 18, United States Code, to provide that certain sexual crimes against children are predicate crimes for the interception of communications, and for other purposes; to the Committee on the Judiciary.

H.R. 3375. An act to provide compensation for the United States citizens who were victims of the bombings of United States embassies in East Africa on August 7, 1998, on the same basis as compensation is provided to victims of the terrorist-related aircraft crashes on September 11, 2001; to the Committee on the Judiciary.

H.R. 3833. An act to facilitate the creation of a new, second-level Internet domain within the United States country code domain that will be a haven for material that promotes positive experiences for children and families using the Internet, provides a safe online environment for children, and helps to prevent children from being exposed to harmful material on the Internet, and for other purposes; to the Committee on Commerce, Science, and Transportation.

H.R. 3994. An act to authorize economic and democratic development assistance for Afghanistan and to authorize military assistance for Afghanistan and certain other foreign countries; to the Committee on Foreign Relations.

H.R. 4015. An act to amend title 38, United States Code, to revise and improve employment, training, and placement services furnished to veterans, and for other purposes; to the Committee on Veterans' Affairs.

H.R. 4085. An act to amend title 38, United States Code, to provide a cost-of-living increase in the rates of compensation for veterans with service-connected disability and dependency and indemnity compensation for surviving spouses of such veterans, to expand certain benefits for veterans and their survivors, and for other purposes; to the Committee on Veterans' Affairs.

H.R. 4514. An act to authorize the Secretary of Veterans Affairs to carry out construction projects for the purpose of improving, renovating, and updating patient care facilities at Department of Veterans Affairs medical centers, and for other purposes; to the Committee on Veterans' Affairs.

H.R. 4626. An act to amend the Internal Revenue Code of 1986 to accelerate the marriage penalty relief in the standard deduction and to modify the work opportunity credit and the welfare-to-work credit; to the Committee on Finance.



The following concurrent resolution was read, and referred as indicated:

H. Con. Res. 405. Concurrent resolution commemorating the independence of East Timor and commending the President for promptly establishing diplomatic relations with East Timor; to the Committee on Foreign Relations.

## MEASURES READ THE FIRST TIME

The following bill was read the first time:

S. 2538. A bill to amend the Fair Labor Standards act of 1938 to provide for an increase in the Federal minimum wage.

## EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-7182. A communication from the Comptroller of the Currency, Administrator of National Banks, transmitting, pursuant to law, the report of a rule entitled "Electronic Activities" (RIN1557-AB76) received on May 22, 2002; to the Committee on Banking, Housing, and Urban Affairs.

EC-7183. A communication from the Chief of the Regulations Branch, Customs Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Technical Amendment to the Customs Regulations: Reusable Shipping Devices Arriving from Canada and Mexico" (TD 02-28) received on May 22, 2002; to the Committee on Finance.

EC-7184. A communication from the Regulatory Specialist, Executive Secretariat, Office of Hearings and Appeals, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Trust Management Reform: Probate of Indian Trust Estates" (RIN1090-AA79) received on May 22, 2002; to the Committee on Indian Affairs.

EC-7185. A communication from the Director, Office of Surface Mining, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Oklahoma Regulatory Program" (OK-029-FOR) received on May 22, 2002; to the Committee on Energy and Natural Resources.

EC-7186. A communication from the Chairman of the Board of Governors, Federal Reserve System, transmitting, pursuant to law, the report of the Office of the Inspector General for the period October 1, 2002 through March 31, 2002; to the Committee on Governmental Affairs.

EC-7187. A communication from the Vice Chairman of the Export-Import Bank of the United States, transmitting, pursuant to law, the Board's Annual Performance Report for Fiscal Year 2001; to the Committee on Governmental Affairs.

EC-7188. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Trifloxystrobin; Pesticide Tolerance" (FRL7178-6) received on May 22, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC-7189. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Pesticides; Tolerance Exemptions for Polymers" (FRL6834-2) received on May 22, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC-7190. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Pesticides; Tolerances Exemptions for Minimal Risk Active and Inert Ingredients" (FRL6834-8) received on May 22, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC-7191. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a certification of a proposed technical assistance agreement with Taiwan; to the Committee on Foreign Relations.

EC-7192. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a certification of a proposed license for the export of defense articles or defense services sold commercially under a contract in the amount of \$50,000,000 or more to Israel; to the Committee on Foreign Relations.

EC-7193. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a certification of a proposed license for the export of defense articles or defense services sold commercially under a contract in the amount of \$50,000,000 or more to Sweden and South Africa; to the Committee on Foreign Relations.

EC-7194. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a certification of a proposed license for the export of defense articles to India; to the Committee on Foreign Relations.

EC-7195. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a certification of a proposed license for the export of defense articles to India; to the Committee on Foreign Relations.

EC-7196. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Award of Infrastructure Grants to Implement the Long Island Sound Comprehensive Conservation and Management Plan" received on May 22, 2002; to the Committee on Environment and Public Works.

EC-7197. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Revisions to the California State Implementation Plan, South Coast Air Quality Management District, and Ventura County Air Pollution Control District" (FRL7201-6) received on May 22, 2002; to the Committee on Environment and Public Works.

EC-7198. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Prohibition of Gasoline Containing Lead or Lead Additives for Highway Use: Fuel Inlet Restrictor Exemption for Motorcycles" (FRL7214-3) received on May 22, 2002; to the Committee on Environment and Public Works.

EC-7199. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "National Emission Standards for Hazardous Air Pollutants: Rubber Tire Manufacturing" (FRL7214-7) received on May 22, 2002; to the Committee on Environment and Public Works.

EC-7200. A communication from the Principal Deputy Associate Administrator of the

Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "National Emission Standards for Hazardous Air Pollutants: Generic Maximum Achievable Control Technology" (FRL7215-8) received on May 22, 2002; to the Committee on Environment and Public Works.

EC-7201. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "National Emission Standard for Hazardous Air Pollutants: Generic Maximum Achievable Control Technology" (FRL7215-7) received on May 22, 2002; to the Committee on Environment and Public Works.

EC-7202. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "National Emission Standards for Hazardous Air Pollutants: Cellulose Products Manufacturing" (FRL7214-8) received on May 22, 2002; to the Committee on Environment and Public Works.

EC-7203. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "National Emission Standards for Hazardous Air Pollutants for Primary Copper Smelting" (FRL7214-9) received on May 22, 2002; to the Committee on Environment and Public Works.

EC-7204. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Land Disposal Restrictions: Site-Specific Treatment Variance to Chemical Waste Management, Inc." (FRL7217-4) received on May 22, 2002; to the Committee on Environment and Public Works.

EC-7205. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Effluent Limitation Guidelines and New Source Performance Standards for the Construction and Development Category; Proposed Rule" (FRL7217-1) received on May 22, 2002; to the Committee on Environment and Public Works.

EC-7206. A communication from the Acting Director, Financial Management and Assurance, General Accounting Office, transmitting, pursuant to law, the Capitol Preservation Fund's Fiscal Years 2001 and 2002 Financial Statements; to the Committee on Rules and Administration.

EC-7207. A communication from the Comptroller General of the United States, transmitting, pursuant to law, the Federal Deposit Insurance Corporation Funds' 2001 and 2000 Financial Statements; to the Committee on Banking, Housing, and Urban Affairs.

EC-7208. A communication from the Deputy Secretary, Division of Market Regulation, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled "Securities Exchange Act of 1934 Rule 6h-1; Cash Settlement and Regulatory Halt Requirements for Security Futures Products" (RIN3235-AI24) received on May 22, 2002; to the Committee on Banking, Housing, and Urban Affairs.

## REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. HOLLINGS, from the Committee on Commerce, Science, and Transportation, with amendments:

S. 361: A bill to establish age limitations for airmen. (Rept. No. 107-154).

By Mr. BYRD, from the Committee on Appropriations, without amendment:

S. 2551: An original bill making supplemental appropriations for further recovery from and response to terrorist attacks on the United States for the fiscal year ending September 30, 2002, and for other purposes.

### EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. LEVIN for the Committee on Armed Services.

Air Force nominations beginning Col. Thomas S. Bailey, Jr. and ending Col. David G. Young III, which nominations were received by the Senate and appeared in the Congressional Record on March 21, 2002.

Navy nomination of Capt. Thomas L. Andrews III.

Army nominations beginning Col. Michael A. Dunn and ending Col. Eric B. Schoomaker, which nominations were received by the Senate and appeared in the Congressional Record on April 22, 2002.

Army nominations beginning Brigadier General Alan D. Bell and ending Colonel James L. Snyder, which nominations were received by the Senate and appeared in the Congressional Record on April 29, 2002.

Mr. LEVIN. Mr. President, for the Committee on Armed Services I report favorably the following nomination lists which were printed in the RECORDS on the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that these nominations lie at the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

Army nominations beginning Garry F. Atkins and ending Daryl L. Spencer, which nominations were received by the Senate and appeared in the Congressional Record on December 11, 2001.

Army nominations beginning Michael T. Bradford and ending Richard R. Young, which nominations were received by the Senate and appeared in the Congressional Record on March 13, 2002.

Army nominations beginning Shain Bobbitt and ending Barbara Lockbaum, which nominations were received by the Senate and appeared in the Congressional Record on April 29, 2002.

Marine Corps nomination of Michael J. Colburn.

Marine Corps nomination of William P. McClane.

Marine Corps nominations beginning Neil G. Anderson and ending Wesley L. Woolf, Jr., which nominations were received by the Senate and appeared in the Congressional Record on April 29, 2002.

Marine Corps nominations beginning John F. Ahern and ending Larry E. Zimmerman, which nominations were received by the Senate and appeared in the Congressional Record on April 29, 2002.

Navy nomination of James E. Russell.  
Navy nomination of Lydia R. Robertson.  
Air Force nomination of Donald W. Pitts.  
Marine Corps nomination of Wade V. Deliberto.

Navy nomination of Marc J. Glorioso.  
Navy nominations beginning Jack S. Pierce and ending Thomas B. Webber, which nominations were received by the Senate and appeared in the Congressional Record on May 2, 2002.

Army nomination of Christian E. DeGraff.  
Army nomination of Ches H. Garner.

Army nomination of David S. Oeschger.

Marine Corps nominations beginning John J. Jackson and ending Richard L. West, which nominations were received by the Senate and appeared in the Congressional Record on May 8, 2002.

Marine Corps nomination of Mark D. Tobin.

Marine Corps nomination of Robert T. Maxey.

Marine Corps nomination of Charles G. Grow.

Army nominations beginning Mark C. Dugger and ending James E. Mountain, Jr., which nominations were received by the Senate and appeared in the Congressional Record on May 13, 2002.

Marine Corps nominations beginning David L. Comfort and ending Patrick K. Wyman, which nominations were received by the Senate and appeared in the Congressional Record on May 13, 2002.

Marine Corps nominations beginning Joseph R. Boehm and ending Gabriel J. Torres, which nominations were received by the Senate and appeared in the Congressional Record on May 13, 2002.

Marine Corps nominations beginning Michael P. Danhires and ending Charles E. Parham, Jr., which nominations were received by the Senate and appeared in the Congressional Record on May 13, 2002.

Marine Corps nominations beginning Anthony M. Brooker and ending Jesse Mcrae, which nominations were received by the Senate and appeared in the Congressional Record on May 13, 2002.

Marine Corps nominations beginning Stefan Grabas and ending Charles L. Thrift, which nominations were received by the Senate and appeared in the Congressional Record on May 13, 2002.

Marine Corps nominations beginning Alonzo H. Mays and ending John D. Paulin, which nominations were received by the Senate and appeared in the Congressional Record on May 13, 2002.

Marine Corps nominations beginning Jody D. Paulson and ending Ellen P. Tippet, which nominations were received by the Senate and appeared in the Congressional Record on May 13, 2002.

Marine Corps nominations beginning Deborah A. Pereira and ending Joyce V. Woods, which nominations were received by the Senate and appeared in the Congressional Record on May 13, 2002.

Navy nomination of Gregory K. Copeland.

Navy nomination of Stephen G. Krawczyk.

By Mr. LIEBERMAN for the Committee on Governmental Affairs.

Robert R. Riggsby, of the District of Columbia, to be an Associate Judge of the Superior Court of the District of Columbia for the term of fifteen years.

\*Paul A. Quander, Jr., of the District of Columbia, to be Director of the District of Columbia Offender Supervision, Defender, and Courts Services Agency for a term of six years.

\*Todd Walther Dillard, of Maryland, to be United States Marshal for the Superior Court of the District of Columbia for the term of four years.

\*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

### INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first

and second times by unanimous consent, and referred as indicated:

By Mr. KENNEDY (for himself, Mr. AKAKA, Mr. BAUCUS, Mr. BAYH, Mr. BINGAMAN, Mrs. BOXER, Mr. BYRD, Ms. CANTWELL, Mrs. CARNAHAN, Mr. CARPER, Mrs. CLINTON, Mr. CORZINE, Mr. DASCHLE, Mr. DAYTON, Mr. DODD, Mr. DURBIN, Mr. EDWARDS, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. HARKIN, Mr. INOUE, Mr. JEFFORDS, Mr. KERRY, Mr. KOHL, Ms. LANDRIEU, Mr. LIEBERMAN, Mr. LEAHY, Mr. LEVIN, Ms. MIKULSKI, Mrs. MURRAY, Mr. REED, Mr. REID, Mr. ROCKEFELLER, Mr. SARBANES, Mr. SCHUMER, Ms. STABENOW, Mr. TORRICELLI, Mr. WELLSTONE, and Mr. WYDEN):

S. 2538. A bill to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage; read the first time.

By Mr. CORZINE (for himself and Mr. TORRICELLI):

S. 2539. A bill to prohibit the use of taxpayer funds to advocate a position that is inconsistent with existing Supreme Court precedent with respect to the Second amendment; to the Committee on the Judiciary.

By Mr. DOMENICI:

S. 2540. A bill to amend the definition of low-income families for purposes of the United States Housing Act of 1937; to the Committee on Banking, Housing, and Urban Affairs.

By Mrs. FEINSTEIN (for herself, Mr. KYL, Mr. SESSIONS, and Mr. GRASSLEY):

S. 2541. A bill to amend title 18, United States Code, to establish penalties for aggravated identity theft, and for other purposes; to the Committee on the Judiciary.

By Ms. CANTWELL:

S. 2542. A bill to amend title XVIII of the Social Security Act to establish a medicare demonstration project under which incentive payments are provided in certain areas in order to stabilize, maintain, or increase access to primary care services for individuals enrolled under part B of such title; to the Committee on Finance.

By Mr. REED (for himself and Mr. CHAFEE):

S. 2543. A bill to extend the temporary suspension of duty on Pigment Red 208; to the Committee on Finance.

By Mr. LEVIN (for himself and Mr. DEWINE):

S. 2544. A bill to amend the Federal Water Pollution Control Act to authorize the Administrator of the Environmental Protection Agency to make grants for remediation of sediment contamination in areas of concern, to authorize assistance for research and development of innovative technologies for such remediation, and for other purposes; to the Committee on Environment and Public Works.

By Mr. DOMENICI (for himself, Mr. BIDEN, Mr. LUGAR, Ms. LANDRIEU, Mr. HAGEL, Mr. BINGAMAN, Mr. MURKOWSKI, and Ms. MIKULSKI):

S. 2545. A bill to extend and improve United States programs on the proliferation of nuclear materials, and for other purposes; to the Committee on Armed Services.

By Mr. THURMOND:

S. 2546. A bill to amend title 49, United States Code, to establish a program for Federal flight deck officers, and for other purposes; to the Committee on Armed Services.

By Mr. BINGAMAN (for himself and Ms. SNOWE):

S. 2547. A bill to amend title XVIII of the Social Security Act to provide for fair payments under the medicare hospital outpatient department prospective payment system; to the Committee on Finance.

By Mr. BINGAMAN (for himself and Mr. WELLSTONE):

S. 2548. A bill to amend the temporary assistance to needy families program under part A of title IV of the Social Security Act to improve the provision of education and job training under that program, and for other purposes; to the Committee on Finance.

By Mr. KOHL (for himself, Mr. WELLSTONE, Mr. ENZI, and Mr. KENNEDY):

S. 2549. A bill to ensure that child employees of traveling sales crews are protected under the Fair Labor Standards Act of 1938; to the Committee on Health, Education, Labor, and Pensions.

By Mr. MCCAIN (for himself and Mr. DORGAN):

S. 2550. A bill to amend the Professional Boxing Safety Act of 1996, and to establish the United States Boxing Administration; to the Committee on Commerce, Science, and Transportation.

By Mr. BYRD:

S. 2551. An original bill making supplemental appropriations for further recovery from and response to terrorist attacks on the United States for the fiscal year ending September 30, 2002, and for other purposes; from the Committee on Appropriations; placed on the calendar.

By Ms. SNOWE (for herself, Mr. BAUCUS, and Mr. BINGAMAN):

S. 2552. A bill to amend part A of title IV of the Social Security Act to give States the option to create a program that allows individuals receiving temporary assistance to needy families to obtain post-secondary or longer duration vocational education; to the Committee on Finance.

By Mr. MURKOWSKI (for himself and Mr. STEVENS):

S. 2553. A bill to amend the Alaska Native Claims Settlement Act to provide equitable treatment of Alaska Native Vietnam Veterans, and for other purposes; to the Committee on Energy and Natural Resources.

#### SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. DASCHLE (for himself and Mr. LOTT):

S. Res. 274. A resolution expressing the sense of the Senate concerning the 2002 World Cup and co-hosts Republic of Korea and Japan; to the Committee on Foreign Relations.

By Ms. LANDRIEU (for herself and Mr. BREAUX):

S. Con. Res. 116. A concurrent resolution to express the sense of the Congress regarding dyspraxia; to the Committee on Health, Education, Labor, and Pensions.

#### ADDITIONAL COSPONSORS

S. 603

At the request of Mr. LIEBERMAN, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 603, a bill to provide for full voting representation in the Congress for the citizens of the District of Columbia to amend the Internal Revenue Code of 1986 to provide that individuals who are residents of the District of Columbia shall be exempt from Federal income taxation until such full voting representation takes effect, and for other purposes.

S. 677

At the request of Mrs. CLINTON, her name was added as a cosponsor of S. 677, a bill to amend the Internal Revenue Code of 1986 to repeal the required use of certain principal repayments on mortgage subsidy bond financing to redeem bonds, to modify the purchase price limitation under mortgage subsidy bond rules based on median family income, and for other purposes.

S. 786

At the request of Mr. DURBIN, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 786, a bill to designate certain Federal land in the State of Utah as wilderness, and for other purposes.

S. 812

At the request of Mr. SCHUMER, the name of the Senator from Minnesota (Mr. WELLSTONE) was added as a cosponsor of S. 812, a bill to amend the Federal Food, Drug, and Cosmetic Act to provide greater access to affordable pharmaceuticals.

S. 966

At the request of Mr. DORGAN, the name of the Senator from Missouri (Mrs. CARNAHAN) was added as a cosponsor of S. 966, a bill to amend the National Telecommunications and Information Administration Organization Act to encourage deployment of broadband service to rural America.

S. 1156

At the request of Mr. SMITH of Oregon, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 1156, a bill to amend the Consumer Product Safety Act to provide that low-speed electric bicycles are consumer products subject to such Act.

S. 1271

At the request of Mr. VOINOVICH, the name of the Senator from Missouri (Mrs. CARNAHAN) was added as a cosponsor of S. 1271, a bill to amend chapter 35 of title 44, United States Code, for the purpose of facilitating compliance by small business concerns with certain Federal paperwork requirements, to establish a task force to examine the feasibility of streamlining paperwork requirements applicable to small business concerns, and for other purposes.

S. 1339

At the request of Mrs. MURRAY, her name was added as a cosponsor of S. 1339, a bill to amend the Bring Them Home Alive Act of 2000 to provide an asylum program with regard to American Persian Gulf War POW/MIAs, and for other purposes.

At the request of Mr. CAMPBELL, the name of the Senator from Colorado (Mr. ALLARD) was added as a cosponsor of S. 1339, supra.

S. 1350

At the request of Mr. DAYTON, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 1350, a bill to amend the title XVIII of the Social Security Act to

provide payment to medicare ambulance suppliers of the full costs of providing such services, and for other purposes.

S. 1523

At the request of Mrs. FEINSTEIN, the names of the Senator from Vermont (Mr. JEFFORDS) and the Senator from Georgia (Mr. MILLER) were added as cosponsors of S. 1523, a bill to amend title II of the Social Security Act to repeal the Government pension offset and windfall elimination provisions.

S. 1626

At the request of Mr. BINGAMAN, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 1626, a bill to provide disadvantaged children with access to dental services.

S. 1678

At the request of Mrs. MURRAY, her name was added as a cosponsor of S. 1678, a bill to amend the Internal Revenue Code of 1986 to provide that a member of the uniformed services or the Foreign Service shall be treated as using a principal residence while away from home on qualified official extended duty in determining the exclusion of gain from the sale of such residence.

S. 1742

At the request of Ms. CANTWELL, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 1742, a bill to prevent the crime of identity theft, mitigate the harm to individuals victimized by identity theft, and for other purposes.

S. 1767

At the request of Mr. KENNEDY, the names of the Senator from Mississippi (Mr. COCHRAN), the Senator from New York (Mrs. CLINTON), and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of S. 1767, a bill to amend title 38, United States Code, to provide that certain service in the American Field Service ambulance corps shall be considered active duty for the purposes of all laws administered by the Secretary of Veterans Affairs, and for other purposes.

S. 1867

At the request of Mr. LIEBERMAN, the names of the Senator from Wisconsin (Mr. FEINGOLD) and the Senator from Massachusetts (Mr. KERRY) were added as cosponsors of S. 1867, a bill to establish the National Commission on Terrorist Attacks Upon the United States, and for other purposes.

S. 1924

At the request of Mr. FRIST, his name was added as a cosponsor of S. 1924, a bill to promote charitable giving, and for other purposes.

S. 1967

At the request of Mr. KERRY, the names of the Senator from South Dakota (Mr. JOHNSON) and the Senator from New Jersey (Mr. TORRICELLI) were added as cosponsors of S. 1967, a bill to amend title XVIII of the Social Security Act to improve outpatient vision

services under part B of the medicare program.

S. 2194

At the request of Mr. MCCONNELL, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 2194, a bill to hold accountable the Palestine Liberation Organization and the Palestinian Authority, and for other purposes.

S. 2213

At the request of Mr. SESSIONS, the name of the Senator from Idaho (Mr. CRAIG) was added as a cosponsor of S. 2213, a bill to amend the Internal Revenue Code of 1986 to exclude from gross income certain overseas pay of members of the Armed Forces of the United States.

S. 2317

At the request of Mr. DURBIN, the name of the Senator from Hawaii (Mr. INOUE) was added as a cosponsor of S. 2317, a bill to provide for fire safety standards for cigarettes, and for other purposes.

S. 2329

At the request of Mr. BREAUX, the name of the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of S. 2329, a bill to improve seaport security.

S. 2488

At the request of Mr. BROWNBACK, the name of the Senator from Texas (Mr. GRAMM) was added as a cosponsor of S. 2488, a bill to establish a commission to conduct a comprehensive review of Federal agencies and programs and to recommend the elimination or realignment of duplicative, wasteful, or outdated functions, and for other purposes.

S. 2513

At the request of Mr. BIDEN, the name of the Senator from Delaware (Mr. CARPER) was added as a cosponsor of S. 2513, a bill to assess the extent of the backlog in DNA analysis of rape kit samples, and to improve investigation and prosecution of sexual assault cases with DNA evidence.

S. 2529

At the request of Mr. BINGAMAN, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 2529, a bill to amend title XVIII of the Social Security Act to improve the medicare incentive payment program.

S. 2534

At the request of Mr. BIDEN, the name of the Senator from South Carolina (Mr. HOLLINGS) was added as a cosponsor of S. 2534, a bill to reduce crime and prevent terrorism at America's seaports.

S. 2537

At the request of Mr. DORGAN, the names of the Senator from California (Mrs. BOXER) and the Senator from Illinois (Mr. FITZGERALD) were added as cosponsors of S. 2537, a bill to facilitate the creation of a new, second-level Internet domain within the United States country code domain that will

be a haven for material that promotes positive experiences for children and families using the Internet, provides a safe online environment for children, and helps to prevent children from being exposed to harmful material on the Internet, and for other purposes.

S.J. RES. 37

At the request of Mr. WELLSTONE, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S.J. Res. 37, a joint resolution providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by Centers for Medicare & Medicaid Services within the Department of Health and Human Services relating to modification of the medicaid upper payment limit for non-State government owned or operated hospitals published in the Federal Register on January 18, 2002, and submitted to the Senate on March 15, 2002.

S. RES. 185

At the request of Mr. ALLEN, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. Res. 185, a resolution recognizing the historical significance of the 100th anniversary of Korean immigration to the United States.

S. RES. 258

At the request of Mr. SMITH of New Hampshire, the name of the Senator from Idaho (Mr. CRAIG) was added as a cosponsor of S. Res. 258, a resolution urging Saudi Arabia to dissolve its "martyrs" fund and to refuse to support terrorism in any way.

S. CON. RES. 105

At the request of Mr. LIEBERMAN, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. Con. Res. 105, a concurrent resolution expressing the sense of Congress that the Nation should take additional steps to ensure the prevention of teen pregnancy by engaging in measures to educate teenagers as to why they should stop and think about the negative consequences before engaging in premature sexual activity.

S. CON. RES. 110

At the request of Mrs. FEINSTEIN, the name of the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of S. Con. Res. 110, a concurrent resolution honoring the heroism and courage displayed by airline flight attendants on a daily basis.

S. CON. RES. 115

At the request of Mr. KENNEDY, the names of the Senator from New Mexico (Mr. BINGAMAN), the Senator from Minnesota (Mr. WELLSTONE), the Senator from New York (Mrs. CLINTON), the Senator from California (Mrs. BOXER), and the Senator from California (Mrs. FEINSTEIN) were added as cosponsors of S. Con. Res. 115, a concurrent resolution expressing the sense of the Congress that all workers deserve fair treatment and safe working conditions, and honoring Dolores Huerta for her commitment to the improvement of working conditions for children, women, and farm worker families.

AMENDMENT NO. 3420

At the request of Mr. LEVIN, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of amendment No. 3420 intended to be proposed to H.R. 3009, a bill to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes.

AMENDMENT NO. 3447

At the request of Mr. BYRD, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of amendment No. 3447 proposed to H.R. 3009, a bill to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes.

At the request of Mr. DORGAN, his name was added as a cosponsor of amendment No. 3447 proposed to H.R. 3009, *supra*.

AMENDMENT NO. 3448

At the request of Mr. BYRD, the names of the Senator from Minnesota (Mr. DAYTON) and the Senator from Michigan (Mr. LEVIN) were added as cosponsors of amendment No. 3448 proposed to H.R. 3009, a bill to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes.

AMENDMENT NO. 3449

At the request of Mr. BYRD, the names of the Senator from Minnesota (Mr. DAYTON) and the Senator from Michigan (Mr. LEVIN) were added as cosponsors of amendment No. 3449 proposed to H.R. 3009, a bill to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes.

AMENDMENT NO. 3452

At the request of Mr. BYRD, the names of the Senator from Kansas (Mr. BROWNBACK), the Senator from West Virginia (Mr. ROCKEFELLER), and the Senator from North Dakota (Mr. DORGAN) were added as cosponsors of amendment No. 3452 proposed to H.R. 3009, a bill to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes.

AMENDMENT NO. 3500

At the request of Mr. LEVIN, the name of the Senator from West Virginia (Mr. BYRD) was added as a cosponsor of amendment No. 3500 intended to be proposed to H.R. 3009, a bill to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes.

AMENDMENT NO. 3503

At the request of Mr. LEVIN, the name of the Senator from West Virginia (Mr. BYRD) was added as a cosponsor of amendment No. 3503 intended to be proposed to H.R. 3009, a bill to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes.

AMENDMENT NO. 3504

At the request of Mr. LEVIN, the name of the Senator from West Virginia (Mr. BYRD) was added as a co-sponsor of amendment No. 3504 intended to be proposed to H.R. 3009, a bill to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. CORZINE (for himself and Mr. TORRICELLI):

S. 2539. A bill to prohibit the use of taxpayer funds to advocate a position that is inconsistent with existing Supreme Court precedent with respect to the Second amendment; to the Committee on the Judiciary.

Mr. CORZINE. Mr. President, today I am introducing legislation to prohibit the use of taxpayer funds to advocate a position on the meaning of the Second Amendment that is inconsistent with existing Supreme Court precedent, as expressed in the Supreme Court case of *United States v. Miller*.

This legislation responds to the Bush Administration's recent filing of two unprecedented briefs to the United States Supreme Court, which argued that the Second Amendment establishes an individual right to possess firearms. In taking this position, the Justice Department directly contradicted the well-established precedents of the Supreme Court, as expressed in the seminal case of *United States v. Miller*. In that 1939 case, the Supreme Court found that the Second Amendment did not establish a private right of individuals to possess firearms, but rather was intended to ensure the effectiveness of groups of citizen-soldiers known at the time as the Militia.

The Court in *United States v. Miller* explained the historical background to the Second Amendment and issued its ruling clearly and unambiguously. That ruling has never been reversed, and the Court has followed it in every subsequent related case. Similarly, the precedent in *United States v. Miller* has been followed by every Justice Department over the past several decades, including the Justice Departments of Presidents Ronald Reagan, Richard Nixon and George H.W. Bush.

The meaning of the Second Amendment should not be a partisan issue. In fact, it should not be a political issue. It is a legal and constitutional issue. And the law on this question has been clearly established by the highest court in the land in case after case for a period of many decades.

Unfortunately, instead of following the law, as Attorney General promised to do during his confirmation hearing, the Bush Administration and the Justice Department have used their authority to file briefs as a means of pursuing a partisan political agenda that flies in the face of established Supreme Court precedents. This is wrong. And,

in my view, it is a misuse of taxpayer dollars.

Congress should not have to pass a law to ensure that the Executive Branch follows the Constitution, as clearly interpreted by the Supreme Court. Unfortunately, in light of the Bush's Administration's latest actions, Congress must step in. After all, Congress's ultimate power is the power of the purse. And we have a responsibility to use that power, when necessary, to ensure that the Executive Branch complies with constitutional law.

This responsibility flows from Congress's obligation to preserve, protect and defend the Constitution. It also flows from our obligation to ensure that taxpayer dollars are not misused. The American people should not be forced to pay taxes to support an unreasonable interpretation of the Second Amendment that is not only inconsistent with constitutional law, but that threatens to undermine legislation needed to reduce gun violence and to save lives.

In 1998, more than 30,000 Americans died from firearm-related deaths. That is almost as many as the number of Americans who died in the entire Korean War. In my view, there is much that Congress needs to do to reduce these deaths, including enacting reasonable gun safety legislation. Yet if the Bush Administration prevails in its effort to radically revise the Second Amendment, such laws could well be undermined. The end result would be more death and more families losing loved ones to the scourge of gun violence.

In fact, I would note that one week after the Bush Administration filed their briefs, lawyers for accused American Taliban terrorist John Walker Lindh used the Administration's arguments to urge dismissal of the gun charge filed against him. Now, I hope and trust that the courts will quickly reject this line of argument. But why would the Bush Administration want to strengthen the position of criminals and alleged terrorists like John Walker Lindh in the first place?

I have asked the Congressional Research Service whether there are any constitutional precedents that would bar the Congress from adopting this legislation, and the answer was "no." I also would note that there is precedent for Congress prohibiting the use of taxpayer dollars to advocate positions with which Congress disagrees. For example, Congress for many years prohibited the Justice Department from using appropriated money to overturn certain rules under our antitrust laws. This responded to the filing of a brief in the Supreme Court by the Justice Department urging a revision of its precedents on resale price maintenance, and the legislation effectively blocked the Department from filing similar briefs.

In conclusion, we should not allow taxpayer dollars to be used to mis-

represent the meaning of the Second Amendment on behalf of a partisan, political agenda. We should defend the Constitution against such ideological attacks. We should protect taxpayers from being forced to subsidize ideological gambits. And we should ensure that the Constitution is not misused to undermine gun safety legislation that could save the lives of many innocent Americans.

I hope my colleagues will support the bill, and I ask unanimous consent that the text of the legislation be printed in the RECORD, along with some related materials about this matter.

There being no objection, the additional material was ordered to be printed in the RECORD, as follows:

S. 2539

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. PROHIBITION ON THE USE OF FUNDS.

No funds appropriated to the Department of Justice or any other agency may be used to file any brief or to otherwise advocate before any judicial or administrative body any position with respect to the meaning of the Second Amendment to the Constitution that is inconsistent with existing Supreme Court precedent, as expressed in *United States v. Miller* (307 U.S. 174 (1939)).

[From the New York Times, May 12, 2002]

#### A FAULTY RETHINKING OF THE 2ND AMENDMENT

(By Jack Rakove)

STANFORD, CA.—The Bush administration has found a constitutional right it wants to expand. Attorney General John D. Ashcroft attracted only mild interest a year ago when he told the National Rifle Association, "The text and original intent of the Second Amendment clearly protect the right of individuals to keep and bear firearms."

Now, briefs just filed by Solicitor General Theodore Olson in two cases currently being appealed to the Supreme Court indicate that Mr. Ashcroft's personnel opinion has become that of the United States government. This posture represents an astonishing challenge to the long-settled doctrine that the right to bear arms protected by the Second Amendment is closely tied to membership in the militia. It is no secret that controversy about the meaning of the amendment has escalated in recent years. As evidence grew that a significant portion of the American electorate favored the regulation of firearms, the N.R.A. and its allies insisted ever more vehemently that the private right to possess arms is a constitutional absolute. This opinion, once seen as marginal, has become an article of faith on the right, and Republican politicians have in turn had to acknowledge its force.

The two cases under appeal do not offer an ideal test of the administration's new views. One concerns a man charged with violating a federal statute prohibiting individuals under domestic violence restraining orders from carrying guns; the other involves a man convicted of owning machine guns, which is illegal under federal law. In both cases, the defendants cite the Second Amendment as protecting their right to have the firearms. The unsavory facts may explain why Mr. Olson is using these cases as vehicles to announce the administration's constitutional position while urging the Supreme Court not to accept the appeals.

The court last examined this issue in 1939 in *United States v. Miller*. There it held that

the Second Amendment was designed to ensure the effectiveness of the militia, not to guarantee a private right to possess firearms. The Miller case, though it did not fully explore the entire constitutional history, has guided the government's position on firearm issues for the past six decades.

If the court were to take up the two cases on appeal, it is far from clear that the Justice Department's new position would prevail. The plain text of the Second Amendment—"A well regulated militia, being necessary to the security of a free state, the right of the people to keep and bear arms shall not be infringed"—does not support the unequivocal view that Mr. Ashcroft and Mr. Olson have put forth. The amendment refers to the right of the people, rather than the individual person of the Fifth Amendment. And the phrase "keep and bear arms" is, as most commentators note, a military reference.

Nor do the debates surrounding the adoption of the amendment support the idea that the framers were thinking of an individual right to own arms. The relevant proposals offered by the state ratification conventions of 1787-88 all dealt with the need to preserve the militia as an alternative to a standing army. The only recorded discussion of the amendment in the House of Representatives concerned whether religious dissenters should be compelled to serve in the militia. And in 1789, the Senate deleted one clause explicitly defining the militia as "composed of the body of the people." In excising this phrase, the Senate gave "militia" a narrower meaning than it otherwise had, thereby making the Ashcroft interpretation harder to sustain.

Advocates of the individual right respond to these objections in three ways.

They argue, first that when Americans used the word militia, they ordinarily meant the entire adult male population capable of bearing arms. But Article I of the Constitution defines the militia as an institution under the joint regulation of the national and state governments, and the debates of 1787-89 do not demonstrate that the framers believed that the militia should forever be synonymous with the entire population.

A second argument revolves around the definition of "the people." Those on the N.R.A. side believe "the people" means "all persons." But in Article I we also read that the people will elect the House of Representatives—and the determination of who can vote will be left to state law, in just the way that militia service would remain subject to Congressional and state regulation.

The third argument addresses the critical phrase deleted in the Senate. Rather than concede that the Senate knew what it was doing, these commentators contend that the deletion was more a matter of careless editing.

This argument is faulty because legal interpretation generally assumes that lawmakers act with clear purpose. More important, the Senate that made this critical deletion was dominated by Federalists who were skeptical of the militia's performance during the Revolutionary War and opposed to the idea that the future of American defense lay with the militia rather than a regular army. They had sound reasons not to commit the national government to supporting a mass militia, and thus to prefer a phrasing implying that the militia need not embrace the entire adult male population if Congress had good reason to require otherwise. The evidence of text and history makes it very hard to argue for an expansive individual right to keep arms.

There is one striking curiosity to the Bush administration's advancing its position at this time. Advocates of the individual-right

interpretation typically argue that an armed populace is the best defense against the tyranny of our own government. And yet the Bush administration seems quite willing to compromise essential civil liberties in the name of security. It is sobering to think that the constitutional right the administration values so highly is the right to bear arms, that peculiar product of an obsolete debate over the danger of standing armies—and this at a time when our standing army is the most powerful the world has known.

[From the Washington Post, May 10, 2002]

#### GUNS AND JUSTICE

The U.S. Solicitor General has a duty to defend acts of Congress before the Supreme Court. This week, Solicitor General Ted Olson—and by extension his bosses, Attorney General John Ashcroft and President Bush—took a position regarding guns that will undermine that mission.

Historically, the Justice Department has adopted a narrow reading of the Constitution's Second Amendment, which states that "a well regulated militia being necessary to the security of a free state, the right of the people to keep and bear arms shall not be infringed." Along with nearly all courts in the past century, it has read that as protecting only the public's collective right to bear arms in the context of militia service. Now the administration has reversed this view. In a pair of appeals, Mr. Olson contends that "the Second Amendment more broadly protects the rights of individuals, including persons who are not members of any militia . . . to possess and bear their own firearms." Mr. Ashcroft insists the department remains prepared to defend all federal gun laws. Having given away its strongest argument, however, it will be doing so with its hands tied behind its back.

Laws will now be defended not as presumptively valid but as narrow exceptions to a broad constitutional right—one subject, as Mr. Olson put it, only to "reasonable restrictions designed to prevent possession by unfit persons or to restrict the possession of types of firearms that are particularly suited to criminal misuse." This may sound like a common-sense balancing act. But where exactly does the Second Amendment, if it guarantees individual rights, permit "reasonable restrictions"? And where does its protection exempt firearms that might be well suited for crime?

Mr. Ashcroft has compared the gun ownership right with the First Amendment's protection of speech—which can be limited only in a fashion narrowly tailored to accomplish compelling state interests. If that's the model, most federal gun laws would sooner or later fall. After all, it would not be constitutional to subject someone to a background check before permitting him to worship or to make a political speech. If gun ownership is truly a parallel right, why would the Brady background check be constitutional?

The Justice Department traditionally errs on the other side—arguing for constitutional interpretations that increase congressional flexibility and law enforcement policy options. The great weight of judicial precedent holds that there is no fundamental individual right to own a gun. Staking out a contrary position may help ingratiate the Bush administration to the gun lobby. But it greatly disserves the interests of the United States.

[From the New York Times, May 14, 2002]

#### AN OMINOUS REVERSAL ON GUN RIGHTS

Using a footnote in a set of Supreme Court briefs, Attorney General John Ashcroft announced a radical shift last week in six dec-

ades of government policy toward the rights of Americans to own guns. Burying the change in fine print cannot disguise the ominous implications for law enforcement or Mr. Ashcroft's betrayal of his public duty.

The footnote declares that, contrary to longstanding and bipartisan interpretation of the Second Amendment, the Constitution "broadly protects the rights of individuals" to own firearms. This view and the accompanying legal standard Mr. Ashcroft has suggested—equating gun ownership with core free speech rights—could make it extremely difficult for the government to regulate firearms, as it has done for decades. That position comports with Mr. Ashcroft's long-held personal opinion, which he expressed a year ago in a letter to his close allies at the National Rifle Association. But it is a position at odds with both history and the Constitution's text. As the Supreme Court correctly concluded in a 1939 decision that remains the key legal precedent on the subject, the Second Amendment protects only those rights that have "some reasonable relationship to the preservation of efficiency of a well-regulated militia." By not viewing the amendment as a basic, individual right, this decision left room for broad gun ownership regulation. The footnote is also at odds with Mr. Ashcroft's pledge at his confirmation hearing that his personal ideology would not drive Justice Department legal policies.

It is hard to take seriously Mr. Ashcroft's assertion that the Bush administration remains committed to the vigorous defense and enforcement of all federal gun laws. Mr. Ashcroft, after all, is an official whose devotion to the gun lobby extends to granting its request to immediately destroy records of gun purchases amassed in the process of conducting Brady law background checks even though they might be useful for tracking weapons purchases by suspected terrorists.

The immediate effect of the Bush Justice Department's expansive reading of the Second Amendment is to undermine law enforcement by calling into question valuable state and federal gun restrictions on the books, and by handing dangerous criminals a potent new weapon for challenging their convictions. What it all adds up to is a gift to pro-gun extremists, and a shabby deal for everyone else.

By Mr. DOMENICI:

S. 2540. A bill to amend the definition of low-income families for purposes of the United States Housing Act of 1937; to the Committee on Banking, Housing, and Urban Affairs.

Mr. DOMENICI. Mr. President, today I rise to bring the Senate's attention to a matter that is slowing Los Alamos County, NM, in its efforts to fully recover from the Cerro Grande Fire of May 10, 2000.

It is an amazing irony to me that Los Alamos National Laboratory, in recent years facing declines in personnel, is again in the national news for its ability to help with counter-terrorism on many fronts. Along with this national attention and the needs of our Homeland Security Agency for advanced scientific means to detect and deter nuclear and biological attacks, LANL is now in the process of filling about 1,000 new positions.

The irony is that the Cerro Grande fire severely reduced available housing in Los Alamos two years before our Nation turns once again to Los Alamos for its scientific talents. A major deterrent to new hires is the lack of housing



choices in Los Alamos. The housing market is even tighter because of the loss of about 400 housing units through the devastating Cerro Grande Fire. Los Alamos has a population of about 18,000 people.

While we have Federal programs to help low and moderate income Americans find good housing, in Los Alamos these programs are ineffective due to the current practice of averaging Los Alamos County and Santa Fe County incomes into one Metropolitan Statistical Area, MSA. This is harmful to Los Alamos residents, where the median income is about \$82,000 because the Federal programs use the MSA median income of about \$65,000 to determine participation. Eighty percent of median income is a standard measure.

Santa Fe's median income of about \$40,000 thus becomes a significant factor for a Los Alamos teacher, fireman, or policeman seeking subsidized Federal assistance. Their incomes in Los Alamos are deemed to be too high to qualify for housing because 80 percent of \$65,000 is used as the maximum allowed for assistance. Thus, \$52,000 becomes the effective ceiling for assistance, when the actual 80 percent ceiling figure for Los Alamos incomes is about \$65,000. This makes a huge difference in a high-priced and competitive market. The result is that developers are discouraged from applying for tax credits and other assistance programs because their applicants do not qualify to live in their new or remodeled housing projects.

The Los Alamos County Manager reports that not a single County employee is eligible for housing created by the Low Income Housing Tax Credits. He, like many residents and the LANL recruiting effort, remain concerned that the limited housing supply has raised rents and sales prices. Los Alamos County is also landlocked by Federal government land ownership.

There is a desperate need for affordable housing at a time when, once again, our nation is calling upon LANL for helping to meet its internal and international security needs.

This situation also exists around the New York City area, where Westchester County incomes unfairly raise the metropolitan average to the detriment of the metropolitan housing market. In that case, Congress agreed to separate Westchester County to ease the housing market situation. All I am asking in my bill is to accomplish the same goal by allowing Los Alamos County to stand on its own in terms of HUD median income requirements. My bill does not simultaneously lower the Santa Fe County income to its actual median, but, rather, allows Santa Fe County to continue to use the higher median, because the Santa Fe housing market is also very unusual, and the two-county average helps make more Santa Fe residents eligible for Federal assistance on many fronts.

I appreciate my colleagues attention to this matter, and I know the resi-

dents of Los Alamos County will be grateful for this assistance to allow more of them to make use of available HUD and other affordable housing assistance programs.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2540

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. LOW-INCOME FAMILIES DEFINITION.**

Section 3(b)(2) of the United States Housing Act of 1937 (42 U.S.C. 1437a(b)(2)) is amended—

(1) by inserting “and for Los Alamos County in the State of New Mexico,” after “State of New York,”;

(2) by inserting “, Los Alamos,” after “does not include Westchester”;

(3) by inserting “; Los Alamos,” after “portion included Westchester”; and

(4) by inserting before the period at the end the following: “; and Los Alamos County, New Mexico, in the Santa Fe metropolitan area”.

By Mrs. FEINSTEIN (for herself, Mr. KYL, Mr. SESSIONS, and Mr. GRASSLEY):

S. 2541. A bill to amend title 18, United States Code, to establish penalties for aggravated identity theft, and for other purposes; to the Committee on the Judiciary.

Mrs. FEINSTEIN, Mr. President, I rise to introduce the Identity Theft Penalty Enhancement Act of 2002 along with my colleagues Senators KYL, SESSIONS, and GRASSLEY.

This bill is the culmination of efforts by the Department of Justice to craft legislation that will crack down on the most serious identity thefts in the Nation, and I am pleased to be working with the Justice Department on this legislation. In fact, Attorney General Ashcroft and I announced this bill together earlier this month.

This legislation will make it easier for prosecutors to target those identity thieves who, as is so often the case, steal an identity for the purpose of committing one or more other crimes.

Many serious crimes, even including terrorism, are aided by stolen identities.

For instance, According to a January article in the Baltimore Sun, “six of the 19 hijackers from September 11 were using Social Security numbers illegally. Another man linked to al-Qaida, Lofti Raissi, a 27-year old Algerian pilot from London who is believed to have trained four of the suicide hijackers, was identified in British court papers as having used the Social Security number of Dorothy Hansen, a retired factory worker from Jersey City, NJ, who died in 1991.”

Attorney General Ashcroft last week cited the example of an Algerian national now facing charges of identity theft who allegedly stole the identities of 21 members of a health club in Cam-

bridge, MA. The Algerian national then transferred those stolen identities to one of the individuals convicted in the failed plot to bomb Los Angeles International Airport in 1999.

In another case, Michelle Brown of Los Angeles had her Social Security number stolen in 1999, and it was used to charge \$50,000 in her name, including a \$32,000 truck, a \$5,000 liposuction operation and a year-long residential lease. Even worse, while assuming Michelle's name, the perpetrator also became the object of an arrest warrant for drug smuggling in Texas.

In another case recently announced by the Justice Department, Joseph Kalady of Chicago was charged just last week with trying to fake his own death using the identity of another. Kalady, who was awaiting trial on charges of counterfeiting birth certificates, Social Security cards and driver's licenses last December, allegedly suffocated a homeless man and sought to have him cremated under Mr. Kalady's identity in order to fake his own death and avoid prosecution.

The stories go on and on, and it is those stories that make the legislation we introduce today so vital.

Let me just outline what this bill would do.

First, the bill would create a separate crime of “aggravated identity theft” for any person who uses the identity of another person to commit certain serious, federal crimes.

Specifically, the legislation would provide for an additional two-year penalty for any individual convicted of committing one of the following serious Federal crimes while using the identity of another person: stealing another's identity in order to illegally obtain citizenship in the United States; stealing another's identity to obtain a passport or visa; using another's identity to remain in the United States illegally after a visa has expired or an individual has been ordered to depart this country; stealing an individual's identity to commit bank, wire or mail fraud, or to steal from employee pension funds; and other serious federal crimes, all of them felonies.

Furthermore, the legislation would provide for an additional five year penalty for any individual that uses the stolen identity of another person to commit any one of the enumerated Federal terrorism crimes found in 18 U.S.C. 2332b(g)(5)(B). These crime include: the destruction of aircraft; the assassination or kidnapping of high level Federal officials; bombings; hostage taking; providing material support to terrorism organizations; and other terrorist crimes.

Aggravated Identity Theft is a separate crime, not just a sentencing enhancement. And the two-year and five-year penalties for aggravated identity theft must be served consecutively to the sentence for the underlying crime.

This bill also strengthens the ability of law enforcement to go after identity thieves and to provide their case.

First, the bill adds the word “possesses” to current law, in order to allow law enforcement to target individuals who possess the identity documents of another person with the intent to commit a crime. Current Federal law prohibits the transfer or use of false identity documents, but does not specifically ban the possession of those documents with the intent to commit a crime. So if law enforcement discovers a stash of identity documents with the clear intent to use those documents to commit other crimes, the person who possesses those documents will now be subject to prosecution.

Second, the legislation amends current law to make it clear that if a person uses a false identity “in connection with” another Federal crime, and the intent of the underlying Federal crime is proven, then the intent to use the false identity to commit that crime need not be separately proved. This simply makes the job of the prosecutor easier when an individual is convicted of a Federal crime and use a false identity in connection with that crime.

This legislation also increases the maximum penalty for identity theft under current law from three years to five years.

And finally, the legislation we introduce today will clarify that the current 25-year maximum sentence for identity theft in facilitation of international terrorism also applies to identity theft in facilitation of domestic terrorism as well.

Identity theft is a crime on the rise in America, and it is a crime with severe consequences not only for the individual victims of the identity theft, but for every consumer and every financial institution as well.

Fraud losses at financial institutions are running well over one billion dollars annually. VISA alone reported identity theft related fraud losses of more than \$114 million in 2000, a 43 percent increase in just four years.

And for victims, the losses can be staggering. The average loss from one identity theft now ranges about \$18,000. Just imagine, somebody takes a credit card receipt out of a trash-can, makes a few calls, and before you know it you’ve lost \$18,000.

And even though an individual victim may not be forced to pay in the end, the credit card companies, financial institutions and other businesses absorb the loss and pass it on to all consumers, the time and effort required to regain your identity can be quite debilitating. In fact, on average it takes a full year and a half to regain one’s identity once stolen. In many instances, it can take many more years than that.

Additionally, some victims are even subject to criminal investigation or even arrest because a criminal has taken their identity and used it to commit a crime. In fact, the FTC tells us that they have received 1,300 complaints from victims alleging that they

have been subject to investigation, arrest or even conviction as a result of their identity being stolen.

Identity theft comes in many forms and can be perpetrated in many ways, and that is why I have worked for many years now with Senator KYL and others to put some safeguards into the law that might better prevent the fraud from occurring in the first place, and to crack down on identity thieves.

And other legislation I have introduced would put into place certain procedural safeguards to protect credit card numbers, personal information, and other key data from potential identity thieves.

The legislation we introduce today is meant to beef up the law in terms of what happens after an identity theft takes place. In seriously enhancing the penalties for identity thieves who commit other Federal crimes, we mean to send a strong signal to all those who would commit this increasingly popular crime that the relatively free ride they have experienced in recent years is over. No longer will prosecutors decline to take identity theft seriously. No longer will identity thieves get off with just a slap on the wrist, if they are prosecuted at all. Under this legislation, penalties will be severe, prosecution will be more likely, and cases against identity thieves will be easier to prove.

Every day in this country serious criminals and criminal organizations are stealing and falsifying identities with the purpose of doing serious harm to common citizens, government officials, or even our Nation itself. It is time we did something about it, and this bill is an important step in that process.

I urge my colleagues to support this bill, and I ask unanimous consent that the text of this legislation be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2541

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the “Identity Theft Penalty Enhancement Act of 2002”.

#### SEC. 2. AGGRAVATED IDENTITY THEFT.

(a) IN GENERAL.—Chapter 47 of title 18, United States Code, is amended by adding after section 1028, the following:

##### “§ 1028A. Aggravated identity theft

“(a) OFFENSES.—

“(1) IN GENERAL.—Whoever, during and in relation to any felony violation enumerated in subsection (c), knowingly transfers, possesses, or uses, without lawful authority, a means of identification of another person shall, in addition to the punishment provided for such felony, be sentenced to a term of imprisonment of 2 years.

“(2) TERRORISM OFFENSE.—Whoever, during and in relation to any felony violation enumerated in section 2332b(g)(5)(B), knowingly transfers, possesses, or uses, without lawful authority, a means of identification of another person shall, in addition to the punishment provided for such felony, be sentenced to a term of imprisonment of 5 years.

“(b) CONSECUTIVE SENTENCE.—Notwithstanding any other provision of law—

“(1) a court shall not place on probation any person convicted of a violation of this section;

“(2) except as provided in paragraph (4), no term of imprisonment imposed on a person under this section shall run concurrently with any other term of imprisonment imposed on the person under any other provision of law, including any term of imprisonment imposed for the felony during which the means of identification was transferred, possessed, or used;

“(3) in determining any term of imprisonment to be imposed for the felony during which the means of identification was transferred, possessed, or used, a court shall not in any way reduce the term to be imposed for such crime so as to compensate for, or otherwise take into account, any separate term of imprisonment imposed or to be imposed for a violation of this section; and

“(4) a term of imprisonment imposed on a person for a violation of this section may, in the discretion of the court, run concurrently, in whole or in part, only with another term of imprisonment that is imposed by the court at the same time on that person for an additional violation of this section, provided that such discretion shall be exercised in accordance with any applicable guidelines and policy statements issued by the Sentencing Commission pursuant to section 994 of title 28.

“(c) DEFINITION.—For purposes of this section, the term ‘felony violation enumerated in subsection (c)’ means any offense that is a felony violation of—

“(1) section 664 (relating to theft from employee benefit plans);

“(2) section 911 (relating to false personation of citizenship);

“(3) section 922(a)(6) (relating to false statements in connection with the acquisition of a firearm);

“(4) any provision contained in this chapter (relating to fraud and false statements), other than this section or section 1028(a)(7);

“(5) any provision contained in chapter 63 (relating to mail, bank, and wire fraud);

“(6) any provision contained in chapter 69 (relating to nationality and citizenship);

“(7) any provision contained in chapter 75 (relating to passports and visas);

“(8) section 523 of the Gramm-Leach-Bliley Act (15 U.S.C. 6823) (relating to obtaining customer information by false pretenses);

“(9) section 243 or 266 of the Immigration and Nationality Act (8 U.S.C. 1253 and 1306) (relating to willfully failing to leave the United States after deportation and creating a counterfeit alien registration card);

“(10) any provision contained in chapter 8 of title II of the Immigration and Nationality Act (8 U.S.C. 1321 et seq.) (relating to various immigration offenses); or

“(11) section 208, 1107(b), or 1128B(a) of the Social Security Act (42 U.S.C. 408, 1307(b), and 1320a-7b(a)) (relating to false statements relating to programs under the Act).”

(b) AMENDMENT TO CHAPTER ANALYSIS.—The table of sections for chapter 47 of title 18, United States Code, is amended by inserting after the item relating to section 1028 the following new item:

“1028A. Aggravated identity theft.”

#### SEC. 3. AMENDMENTS TO EXISTING IDENTITY THEFT PROHIBITION.

Section 1028 of title 18, United States Code, is amended—

(1) in subsection (a)(7)—

(A) by striking “transfers” and inserting “transfers, possesses,”; and

(B) by striking “abet,” and inserting “abet, or in connection with,”;

(2) in subsection (b)(1)(D), by striking "transfer" and inserting "transfer, possession,";

(3) in subsection (b)(2), by striking "three years" and inserting "5 years"; and

(4) in subsection (b)(4), by inserting after "facilitate" the following: "an act of domestic terrorism (as defined under section 2331(5) of this title) or".

By Ms. CANTWELL:

S. 2542. A bill to amend title XVIII of the Social Security Act to establish a medicare demonstration project under which incentive payments are provided in certain areas in order to stabilize, maintain, or increase access to primary care services for individuals enrolled under part B of such title; to the Committee on Finance.

Ms. CANTWELL. Mr. President, I rise today to introduce the Medicare Incentive Access Act of 2002. I am pleased that Congressman RICK LARSEN will introduce companion legislation in the U.S. House of Representatives.

As my colleagues may be hearing, Medicare beneficiaries across the country are reporting increasing difficulty finding a physician willing to accept their Medicare coverage. In fact, according to the American Medical Association, nearly 30 percent of family physicians nationwide are not accepting new Medicare patients, and 57 percent of Washington State physicians are limiting the number or dropping all Medicare patients from their practices.

There is no doubt that we need to reform Medicare, and I am particularly concerned with the Medicare physician fee schedule issued by the Centers for Medicare and Medicaid Services, CMS. Although CMS insists that physician payment rates will increase more than the general rate of inflation, I am extremely concerned that any additional physician payment reductions may dramatically affect the quality of care offered to beneficiaries and further exacerbate the access problems so many of our constituents are now facing.

Unfortunately, there seems to be a prevailing idea that government programs should automatically pay less than private insurers for the same quality care. I am especially concerned that providers serving a disproportionate number of Medicare and Medicaid patients are facing unsustainable fee reductions.

In its March 2002 report, the Medicare Payment Advisory Committee, MedPAC, the independent Federal body that advises Congress on Medicare payment issues, weighed in on the current Medicare reimbursement rate debate. MedPAC observes that "provider entry and exit data provide information regarding adequacy of the current level of payments."

Keeping in mind that MedPAC's goal is to ensure that Medicare's payment rates cover the costs that efficient providers would incur in beneficiaries' care, it is especially important that MedPAC asserts that "evidence of widespread access or quality problems for beneficiaries may indicate that

Medicare's payment rates are too low." In fact, MedPAC surveyed physicians nationwide, and found that 45 percent said that reimbursement levels for their Medicare fee-for-service patients are a very serious problem.

Every day I hear from my constituents that they are facing increasing difficulty in getting primary care services, and from physicians who can no longer afford to take on new Medicare patients.

One woman in Steilacoom, WA, contacted me about her son, a quadriplegic, who was recently informed that the doctor who has been treating him for a number of years will no longer be able to take Medicare patients.

Another woman from Lynden, WA, told me that her doctor is leaving his practice due to low Medicare reimbursements, her 89-year-old father has also been going to this same doctor and now the family cannot find a local doctor to take him.

When another constituent from Tacoma had to move into the city she had to call numerous physicians before she found one who would take a new Medicare patient.

One physician in Bellingham wrote me to say that one of his favorite patients will no longer see her family practitioner because she has Medicare. This doctor writes "when our seniors feel bad and ashamed about going in to see their physicians because their insurance" coverage is Medicare, I think that reflects very poorly on Medicare, our government, our government, that runs the program, and, to some extent, the caregivers who feel it is a financial burden to take care of our seniors. I couldn't agree more.

In fact, according to the Washington State Department of Health, in Clallam and Kittitas counties in my home State, only 20 percent of primary care physicians reported that they would take new Medicare patients. Yet, at the same time, most practices are accepting new patients with private employer-sponsored insurance. This suggests that general physician shortages are not the major cause underlying the fact that so many physician practices are closing or closed to Medicare patients.

I understand that there are basic fairness issues involved in the national debate over Medicare reimbursements. I am not pretending that the Senate will comprehensively address geographic differences or payment inequities this session. But I do believe we can look at more targeted, limited solutions to address the Medicare reimbursement and access issues on a demonstration level.

We already have a public health program in place, the primary care health professional shortage area designation, HPSA, to determine whether an area has a critical shortage of physicians available to serve the people living there. In fact, this is the measurement used in placing National Health Service Corps doctors in underserved areas.

A HPSA can be a distinct geographic area, such as a county, or a specific population group within the area, such as the low-income. However, in many shortage locations, access to care is a problem for only part of the population. For example, while most residents in a city may have adequate access to care, the elderly or poor may not. And while population HPSA designations measure access problems for Medicaid and low-income patients, migrant workers, and the homeless, there is no designation that specifically identifies or addresses Medicare-related demographics. My bill changes that.

The bill I am introducing today, the Medicare Incentive Access Act, will create a new Medicare Health Professional Shortage Area, HPSA, through a three-year, five-state HHS/Medicare demonstration project. Primary care doctors in an area designated as a Medicare HPSA will receive an automatic 40 percent bonus on all of their Medicare billings.

I believe it is vitally important that the federal government systematically examine different provider incentive programs in order to stabilize, maintain, and increase quality, efficient primary care services for Medicare beneficiaries. I want this demonstration program to examine how we can specifically preserve beneficiary access to primary care providers. The demonstration project will also examine what level of incentive is necessary to prevent future access problems.

I want to point out that while current law prohibits multiple HPSA designations, the demonstration project will not affect current HPSA designations needed for other programs, such as Community Health Centers. In addition, physicians in states participating in the Medicare HPSA demonstration project will not be able also to receive payments under the Medicare Incentive Payment program, which bases its ten percent bonus on geographic shortage areas. As I mentioned earlier, geographic shortage areas actually have nothing to do with measuring Medicare-related access issues.

There is an abundance of excellent research currently underway at the six Federal rural health research centers on all Medicare provider reimbursement issues. These research centers are already set up for demonstration analyses like the one required under my bill. I sincerely appreciate the help Gary Hart, Ph.D. has provided me in developing this proposal and discussing other, more comprehensive, means by which to look at different Medicare payment and access issues. Dr. Hart is the director of the WWAMI Rural Health Research Center at the University of Washington, which is largely focusing on rural physician payments.

I also want to thank Vince Schueler and Laura Olexa of the Office of Community and Rural Health and the Washington Department of Health, for providing invaluable assistance in understanding rural health problems, the

Federal HPSA designation, and access barriers for Medicare beneficiaries, especially in rural areas of the State. After we began discussing this problem, they went out of their way to do additional surveys in rural counties to measure the most current access to primary care physicians for both Medicaid and Medicare patients.

Finally, I want to thank the Washington State Medical Association and Len Eddinger for their advice and assistance on this issue. I am delighted that the WSMA has endorsed this legislation, and I ask unanimous consent that its letter of support be added in the record at the end of my statement.

The fact of the matter is that there is a crisis at hand regarding Medicare benefits, and Medicare payments, and as a country, we simply have not invested as we should in health care.

I sincerely believe that all individuals should have access to quality and affordable medical care including the ability to visit doctors whom they trust. It will do the country little good to provide guaranteed health care for the elderly and disabled if physicians are unwilling to work with Medicare patients because of inadequate payment policies.

I believe the bill I am introducing today, the Medicare Incentive Act, is a good approach to examining these very important issues. I encourage my colleagues to take a look at this bill, and to join me in cosponsoring it.

I ask unanimous consent that a letter of support be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

WASHINGTON STATE MEDICAL  
ASSOCIATION,  
May 13, 2002.

Hon. MARIA CANTWELL,  
U.S. Senate, Hart Senate Office Building,  
Washington, DC.

DEAR SENATOR CANTWELL: On behalf of the 8,800 members of the Washington State Medical Association (WSMA), please accept my sincere thanks for all the work you are doing to improve the Medicare program.

The financial condition of the health care delivery system in Washington state is as poor as I have seen in my nearly 25 years of practice. As I travel the state and speak with my colleagues, it has become clear that something dramatic and sustainable must be done to ensure the long viability of Medicare and Medicaid.

At our May Executive Committee meeting, we had an opportunity to discuss the draft of your proposed legislation to develop demonstration projects to enhance physician reimbursement within established Medicare Health Professional Shortage Areas. We view the approach as extremely creative and well worth the time and effort of investigation. Our hope is that successful implementation of this scenario will lead to incentives across the entire physician community.

Senator, there is no doubt that declining reimbursements in the Medicare and Medicaid programs are putting enormous stress on medical practices and causing physicians to limit patients who are eligible for these programs. We look forward to working with you and your staff to alleviate this pressing social problem.

Please let us know what we can do to help by contacting Len Eddinger, WSMA's Director of Public Policy, in the Olympia office of the WSMA at (360) 352-4848 or by email: len@wsma.org.

Sincerely,

SAMUEL W. CULLISON, MD,  
President.

By Mr. LEVIN (for himself and Mr. DEWINE):

S. 2544. A bill to amend the Federal Water Pollution Control Act to authorize the Administrator of the Environmental Protection Agency to make grants for remediation of sediment contamination in areas of concern, to authorize assistance for research and development of innovative technologies for such remediation, and for other purposes; to the Committee on Environment and Public Works.

Mr. LEVIN. Mr. President, the General Accounting Office has recently completed a study on the cleanup of Contaminated Areas in the Great Lakes. While it is no surprise to those of us who live in the Great Lakes region, GAO found that there has been "slow progress of cleanup efforts".

For those of you who live outside the Great Lakes region, Areas of Concern are sites in the Great Lakes that do not meet the water quality goals established by the United States and Canada in the Great Lakes Water Quality Agreement. The primary reason that these areas fail to meet water quality goals is the result of contaminated sediments, a result of the industrialization of the mid-west. In order to meet the water quality goals, the Great Lakes Water Quality Agreement binds us to an identified cleanup process focused around Remedial Action Plans, RAPs.

RAPs define the environmental problem, evaluate remedial measures, and identify a process for moving forward with cleanup. The RAP process relies on State and public involvement, and RAPs need the financial support of the Federal Government.

The GAO reports that the RAP process is often disregarded by the states and EPA. The progress that is being made to cleanup the Areas of Concern is being made not under the Great Lakes Water Quality Agreement but under other laws such as Superfund. EPA has failed to provide oversight responsibility for RAPs and does not provide nearly enough financial resources for RAPs. In addition to these problems associated with EPA, there is no way to implement RAPs because there is no pot of money to do so and no established procedure to follow.

There are 13 areas of concern in the State of Michigan which result in fish advisories, degradation of fish and wildlife populations, taste and odor problems with drinking water, beach closures, and bird and animal deformities or reproductive problems. These environmental problems are too grave considering the fact that the Great Lakes holds one-fifth of the world's freshwater, supplies drinking water to

33 million people, and provides a \$2 billion fishery.

So today, with my colleague from Ohio, Senator DEWINE, I am introducing the Great Lakes Legacy Act to authorize \$50 million per year in grants to States to cleanup Areas of Concern and implement RAPs. This legislation will also require EPA to report to Congress within 1 year on how it plans to provide the oversight needed to make sure that the Areas of Concern will meet water quality goals.

The problem of contaminated sediments in the Great Lakes has been known for decades, and I hope that my colleagues will support this legislation to hopefully cleanup Areas of Concern.

Mr. DEWINE. Mr. President, I rise today to discuss a very important environmental issue, not just to my home State of Ohio, but to our entire Nation, and that issue is the protection of our Great Lakes. These lakes are a natural treasure that hold one-fifth of the world's freshwater, produce \$2 billion per year in fish, and provide drinking water to 33 million people.

Yesterday, the GAO released a report on the progress of cleanup in polluted Areas of Concern. These Areas of Concern, or AOCs, are sites in the Great Lakes that do not meet water quality goals. Many years ago, the United States and Canada identified 44 AOCs in the Great Lakes and agreed to a cleanup process.

In my home State of Ohio, there are four AOCs, the Maumee River, the Ash-tabula River, the Black River, and the Cuyahoga River. These areas suffer fish and wildlife consumption restrictions, fish and wildlife reproductive problems and deformities, algal blooms, restrictions on drinking water consumption, and beach closings. These environmental problems need to be addressed as quickly as possible.

Unfortunately, cleanup has been very slow. The GAO report found that the Environmental Protection Agency, EPA, has failed to take oversight responsibility, Federal funding has declined steadily over the years, and States have abandoned the cleanup process.

These results are disturbing to say the least. This is why Senator LEVIN and I, as Co-Chairs of the Senate Great Lakes Task Force, are introducing a bill today that would authorize \$50 million per year in grants to States for the cleanup of Areas of Concern. Cleanup work includes monitoring and evaluating sites, remediating sediment, and preventing further contamination. This legislation would authorize the EPA to conduct research and development of innovative approaches, technologies, and techniques for the remediation of sediment in the Great Lakes and would authorize the Great Lakes National Program Office to carry out a public information grant program to provide information about the contaminated sediments, as well as activities to clean-up the site. Finally, as the GAO report recommends, our bill would require the EPA to submit a report to

Congress on the actions, time periods, and resources that are necessary for the EPA to oversee the Remedial Action Plans at Areas of Concern.

I urge my colleagues to support this legislation and honor an international commitment to protect a truly great natural resource. We must honor our commitment to future generations and do all we can to protect the Lakes for our children and grandchildren. We owe it to them.

By Mr. DOMENICI (for himself, Mr. BIDEN, Mr. LUGAR, Ms. LANDRIEU, Mr. HAGEL, Mr. BINGAMAN, Mr. MURKOWSKI, and Ms. MIKULSKI):

S. 2545. A bill to extend and improve United States programs on the proliferation of nuclear materials, and for other purposes; to the Committee on Armed Services.

Mr. DOMENICI. Mr. President, I rise to introduce a new bill, the Nuclear Nonproliferation Act of 2002. Senators BIDEN, LUGAR, LANDRIEU, HAGEL, MURKOWSKI and BINGAMAN—the junior Senator from my State—join me in cosponsoring this important piece of legislation.

The end of the Soviet Union in 1991 started a chain of events, which in the long term can lead to vastly improved global stability. Concerns about global confrontations were greatly reduced after that event.

But with that event, the Soviet system of guards, guns, and a highly regimented society that had effectively controlled their weapons of mass destruction, along with the materials and expertise to create them, was significantly weakened. Even today, with Russia's economy well on the road to recovery, there's still plenty of room for concerns about the security of these Russian assets.

The tragic events of September 11 brought the United States into the world of international terrorism, a world from which we had been very sheltered. Even with the successes of the subsequent war on terrorism, there's still ample reason for concern that the forces of Al Qaeda and other international terrorists are seeking other avenues to disrupt peaceful societies around the world.

In some sense, the events of September 11 set a new gruesome standard against which terrorists may measure their future successes. There should be no question that these groups would use weapons of mass destruction if they could acquire them and deliver them here or to countless other international locations.

One of our strongest allies in the current war on terrorism has been the Russian Federation. Assistance from the Russians and other states of the former Soviet Union has been vital in many aspects of the conflict in Afghanistan.

President Putin and President Bush have forged a strong working relationship, and the current summit meeting

is another measure of interest in increased cooperation. As this new bill seeks to strengthen our nonproliferation programs, it provides many options for actions to be conducted through joint partnerships between the Russian Federation and the United States that build on this increased cooperative spirit.

The Nunn-Lugar program of 1991 and the Nunn-Lugar Domenici legislation of 1996 provided vital support for cooperative programs to reduce the risks that weapons of mass destruction might become available to terrorists. They established a framework for cooperative progress that has served our nation and the world very well. But despite their successes, there remain many actions that should be taken to further reduce these threats.

The report by Howard Baker and Lloyd Cutler is one of the most comprehensive calls for increased attention to these risks. That report, which was written well before September 11, and many others have suggested additional actions that could and should be taken beyond the two original bills.

One of the most important realizations from September 11 concerns the global reach of the forces of terrorism. It's now clear that our nuclear nonproliferation programs should extend far beyond the states of the former Soviet Union.

This new bill expands and strengthens many of the programs established earlier, to further reduce threats to global peace. It expands the scope of several programs to world-wide coverage. It focuses on threats of a nuclear or radiological type, which fall within the expertise of the National Nuclear Security Administration of the Department of Energy.

It expands programs to include the safety and security of nuclear facilities and radioactive materials around the world, wherever countries are willing to enter into cooperative arrangements for threat reduction. It recognizes that devices that disperse radioactive materials, so-called "dirty bombs," can represent a real threat to modern societies.

Dirty bombs could be used as weapons of mass terror, property contamination, and economic disaster. We need better detection systems for the presence of dirty bombs that are appropriate to the wide range of delivery systems for such a weapon, from trucks to boats to containers. And we need to be far better prepared to deal with the consequences of such an attack.

The new legislation includes provisions to accelerate and expand existing programs for disposition of fissile materials. These materials, of course, represent not only a concern with dirty bombs, but also the even larger threat of use in crude nuclear weapons.

It includes a program that should help accelerate the conversion of highly enriched uranium into forms unusable for weapons. It addresses one of the major concerns associated with

this material, that both the United States in the Atoms for Peace program as well as the Soviet Union, provided highly enriched uranium to many countries as fuel for research reactors. That fuel represents a proliferation risk today.

It authorizes new programs for global management of nuclear materials, in cooperation with other nations and with the International Atomic Energy Agency. It recognizes that modern societies use radioactive materials as essential tools in many ways, and offers assistance in providing new controls on the most dangerous of these materials.

It suggests that many of the program elements involve international cooperation with the Russian Federation and with other nations. In fact, it recognizes that the global nature of the current threats requires such cooperation, and provides authorizations for the Secretary of Energy and Secretary of State to offer significant help to other nations. In many cases, we cannot accomplish these programs without such cooperation.

This new bill includes provisions extending the first responder training programs, originally created under Nunn-Lugar-Domenici. These programs have already made real contributions. In fact, the training provided under this program in New York City helped mitigate the catastrophe there on September 11. That program was authorized for only 5 years in the original legislation. This bill extends that authorization for another 10 years for first responder preparation in various communities and cities of America.

The new bill requires annual reports demonstrating that all our nonproliferation programs are well coordinated and integrated. Countless reports have called for improved coordination of all federal nonproliferation programs. The original call for this coordination in the Nunn-Lugar-Domenici legislation was completely ignored by the Clinton administration.

The report requires an annual statement of the extent of coordination between federally funded and private activities. That is very important, because of the important work being done by private organizations, like the Nuclear Threat Initiative, that are providing critical assistance toward similar nonproliferation goals.

With this new bill, our programs to counter threats of nuclear and radiological terrorism will be significantly strengthened and risks to the United States and our international partners can be greatly reduced.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2545

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Nuclear Nonproliferation Act of 2002".

**SEC. 2. FINDINGS.**

Congress makes the following findings:

(1) Whereas the focus on the security of radioactive materials before the events of September 11, 2001, was on fissile materials, it is now widely recognized that the United States must expand its concerns to the safety and security of nuclear facilities, and the radioactive materials in use or stored at such facilities, that may be attractive to terrorists for use in radiological dispersal devices as well as in crude nuclear weapons. Such materials include all radioactive materials in the nuclear fuel cycle (such as nuclear waste and spent fuel) as well as industrial and medical radiation sources. Steps must be taken not only to prevent the acquisition of such materials by terrorists, but also to rapidly mitigate the consequences of the use of such devices and weapons on public health and safety, facilities, and the economy.

(2) The technical activities of United States efforts to combat radiological terrorism should be centered in the National Nuclear Security Administration because it has the nuclear expertise and specialized facilities and activities needed to develop new and improved protection and consequence mitigation systems and technologies. New technologies and systems should be developed by the Administration in partnership with other agencies and first responders that also have the operational responsibility to deal with the threat of radiological terrorism.

(3) Fissile materials are a special class of materials that present a range of threats, from utilization in improvised nuclear devices to incorporation in radiological dispersal devices. The Defense Against Weapons of Mass Destruction Act of 1996 (title XIV of Public Law 104-201; 50 U.S.C. 2301 et seq.) focused on cooperative programs with the former Soviet Union to control such materials. It is critical that these efforts continue and that efforts commence to develop a sustainable system by which improvements in such efforts are retained far into the future. Development of such a sustainable system must occur in partnership with the Russian Federation and the other states of the former Soviet Union.

(4) The Russian Federation and the other states of the former Soviet Union are not the only locations of fissile materials around the world. Cooperative programs to control potential threats from any of such materials should be expanded to other international partners. Programs, coordinated with the International Atomic Energy Agency and other international partners, should be initiated to optimize control of such materials.

(5) The Agreement Between the Government of the United States of America and the Government of the Russian Federation Concerning the Disposition of Highly Enriched Uranium Extracted from Nuclear Weapons, signed at Washington on February 18, 1993 (the so-called "HEU deal"), represents an effective approach to reducing the stocks of the Russian Federation of highly enriched uranium (HEU). However, such stocks are much larger than contemplated in the Agreement, and many other nations also possess quantities of highly enriched uranium. Global stability would be enhanced by modification of all available highly enriched uranium into forms not suitable for weapons. Efforts toward such modification of highly enriched uranium should include expansion of programs to deal with research reactors fueled by highly enriched uranium, which were provided by the United States under the Atoms for Peace program and the Atomic Energy Act of 1954 and similarly encouraged by the former Soviet Union.

(6) Expansion of commercial nuclear power around the world will lead to increasing global stocks of reactor grade plutonium and fission products in spent fuel. If improperly controlled, such materials can contribute to proliferation and represent health and environmental risks. The international safeguards on such materials established through the International Atomic Energy Agency must be strengthened to deal with such concerns. The National Nuclear Security Administration is the appropriate Federal agent for dealing with technical matters relating to the safeguard and management of nuclear materials. The United States, in cooperation with the Russian Federation and the International Atomic Energy Agency, should lead the international community in developing proliferation-resistant nuclear energy technologies and strengthened international safeguards that facilitate global management of all nuclear materials.

(7) Safety and security at nuclear facilities are inextricably linked. Damage to such facilities by sabotage or accident, or the theft or diversion of nuclear materials at such facilities, will have substantial adverse consequences worldwide. It is in the United States national interest to assist countries that cannot afford proper safety and security for their nuclear plants, facilities, and materials in providing proper safety and security for such plants, facilities, and materials, and in developing the sustainable safety and security cultures that are required for the safe and secure use of nuclear energy for peaceful purposes. The National Nuclear Security Administration is the appropriate Federal agent for dealing with the technical aspects of providing for international nuclear safety that must be coordinated with safeguards of nuclear materials.

(8) The United States has provided sealed sources of nuclear materials to many countries through the Atoms for Peace program and the Atomic Energy Act of 1954. These sources remain property of the United States. A recent report of the Inspector General of the Department of Energy, entitled "Accounting for Sealed Sources of Nuclear Material Provided to Foreign Countries", noted that a total of 2-3 kilograms of plutonium were in sources provided to 33 nations and that the Department can not account fully for these sources. Many of these sources are small enough to present little risk, but a careful review of sources and recipients could identify concerns requiring special attention. In addition, the former Soviet Union supplied sealed sources of nuclear materials for research and industrial purposes, including some to other countries. These sources contain a variety of radioactive materials and are often uncontrolled, missing, or stolen. The problem of dangerous radiation sources is international, and a solution to the problem will require substantial cooperation between the United States, the Russian Federation, and other countries of the former Soviet Union, as well as international organizations such as the International Atomic Energy Agency. The International Nuclear Safety and Cooperation program and the Materials Protection, Control, and Accounting program of the National Nuclear Security Administration address such matters. However those programs need to be strengthened.

(9) Authorization for domestic testing of preparedness for emergencies involving nuclear, radiological, chemical, and biological weapons provided by section 1415 of the Defense Against Weapons of Mass Destruction Act of 1996 (50 U.S.C. 2315) has expired. These tests have been invaluable in preparing first responders for a range of potential threats and should be continued.

(10) Coordination of all Federal non-proliferation programs should be improved to maximize efficiency and effectiveness of programs in multiple agencies. Congress needs a comprehensive annual report detailing the nonproliferation policies, strategies, and budgets of the Federal Government. Cooperation among Federal and private non-proliferation programs is critical to maximize the benefits of such programs.

(11) The United States response to terrorism must be as rapid as possible. In carrying out their antiterrorism activities, the departments and agencies of the Federal Government, and State and local governments, need rapid access to the specialized expertise and facilities at the national laboratories and sites of the Department of Energy. Multiple agency sponsorship of these important national assets would help achieve this objective.

**SEC. 3. TESTING OF PREPAREDNESS FOR EMERGENCIES INVOLVING NUCLEAR, RADIOLOGICAL, CHEMICAL, OR BIOLOGICAL WEAPONS.**

(a) EXTENSION OF TESTING.—Section 1415 of the Defense Against Weapons of Mass Destruction Act of 1996 (title XIV of Public Law 104-201; 110 Stat. 2720; 50 U.S.C. 2315) is amended—

(1) in subsection (a)(2), by striking "of five successive fiscal years beginning with fiscal year 1997" and inserting "of fiscal years 1997 through 2013"; and

(2) in subsection (b)(2), by striking "of five successive fiscal years beginning with fiscal year 1997" and inserting "of fiscal years 1997 through 2013".

(b) CONSTRUCTION OF EXTENSION WITH DESIGNATION OF ATTORNEY GENERAL AS LEAD OFFICIAL.—The amendment made by subsection (a) may not be construed as modifying the designation of the President entitled "Designation of the Attorney General as the Lead Official for the Emergency Response Assistance Program Under Sections 1412 and 1415 of the National Defense Authorization Act for Fiscal Year 1997", dated April 6, 2000, designating the Attorney General to assume programmatic and funding responsibilities for the Emergency Response Assistance Program under sections 1412 and 1415 of the Defense Against Weapons of Mass Destruction Act of 1996.

**SEC. 4. PROGRAM ON TECHNOLOGY FOR PROTECTION FROM NUCLEAR OR RADIOLOGICAL TERRORISM.**

(a) PROGRAM REQUIRED.—(1) The Administrator for Nuclear Security shall carry out a program on technology for protection from nuclear or radiological terrorism, including technology for the detection, identification, assessment, control, disposition, consequence management, and consequence mitigation of the dispersal of radiological materials or of nuclear terrorism.

(2) The Administrator shall carry out the program as part of the nonproliferation and verification research and development programs of the National Nuclear Security Administration.

(b) PROGRAM ELEMENTS.—In carrying out the program required by subsection (a), the Administrator shall—

(1) provide for the development of technologies to respond to threats or incidents involving nuclear or radiological terrorism in the United States;

(2) demonstrate applications of the technologies developed under paragraph (1), including joint demonstrations with the Office of Homeland Security and other appropriate Federal agencies;

(3) provide, where feasible, for the development in cooperation with the Russian Federation of technologies to respond to nuclear or radiological terrorism in the former states of the Soviet Union, including the



demonstration of technologies so developed; and

(4) provide, where feasible, assistance to other countries on matters relating to nuclear or radiological terrorism, including—

(A) the provision of technology and assistance on means of addressing nuclear or radiological incidents;

(B) the provision of assistance in developing means for the safe disposal of radioactive materials;

(C) in coordination with the Nuclear Regulatory Commission, the provision of assistance in developing the regulatory framework for licensing and developing programs for the protection and control of radioactive sources; and

(D) the provision of assistance in evaluating the radiological sources identified as not under current accounting programs in the report of the Inspector General of the Department of Energy entitled "Accounting for Sealed Sources of Nuclear Material Provided to Foreign Countries", and in identifying and controlling radiological sources that represent significant risks.

(c) **REQUIREMENTS FOR INTERNATIONAL ELEMENTS OF PROGRAM.**—(1) In carrying out activities in accordance with paragraphs (3) and (4) of subsection (b), the Administrator shall consult with—

(A) the Secretary of Defense, Secretary of State, and Secretary of Commerce; and

(B) the International Atomic Energy Agency.

(2) The Administrator shall encourage joint leadership between the United States and the Russian Federation of activities on the development of technologies under subsection (b)(4).

(d) **INCORPORATION OF RESULTS IN EMERGENCY RESPONSE ASSISTANCE PROGRAM.**—To the maximum extent practicable, the technologies and information developed under the program required by subsection (a) shall be incorporated into the program on responses to emergencies involving nuclear and radiological weapons carried out under section 1415 of the Defense Against Weapons of Mass Destruction Act of 1996 (title XIV of Public Law 104-201; 50 U.S.C. 2315).

(e) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated for the Department of Energy for the National Nuclear Security Administration to carry out activities under this section amounts as follows:

(1) For fiscal year 2003, \$40,000,000.

(2) For each fiscal year after fiscal year 2003, such sums as may be necessary in such fiscal year.

## **SEC. 5. EXPANSION OF INTERNATIONAL MATERIALS PROTECTION, CONTROL, AND ACCOUNTING PROGRAM.**

(a) **EXPANSION OF PROGRAM TO ADDITIONAL COUNTRIES AUTHORIZED.**—The Secretary of Energy may expand the International Materials Protection, Control, and Accounting (MPC&A) program of the Department of Energy to encompass countries outside the Russian Federation and the independent states of the former Soviet Union.

(b) **NOTICE TO CONGRESS OF USE OF FUNDS FOR ADDITIONAL COUNTRIES.**—Not later than 30 days after the Secretary obligates funds for the International Materials Protection, Control, and Accounting program, as expanded under subsection (a), for activities in or with respect to a country outside the Russian Federation and the independent states of the former Soviet Union, the Secretary shall submit to Congress a notice of the obligation of such funds for such activities.

(c) **ASSISTANCE TO DEPARTMENT OF STATE FOR NUCLEAR MATERIALS SAFEGUARDS PROGRAMS.**—(1) As part of the International Materials Protection, Control, and Accounting program, the Secretary of Energy may pro-

vide technical assistance to the Secretary of State in the efforts of the Secretary of State to assist other nuclear weapons states to review and improve their nuclear materials safeguards programs.

(2) The technical assistance provided under paragraph (1) may include the sharing of technology or methodologies to the states referred to in that paragraph. Any such sharing shall—

(A) be consistent with the treaty obligations of the United States; and

(B) take into account the sovereignty of the state concerned and its weapons programs, as well as the sensitivity of any information involved regarding United States weapons or weapons systems.

(3) The Secretary of Energy may include the Russian Federation in activities under paragraph (1) if the Secretary determines that the experience of the Russian Federation under the International Materials Protection, Control, and Accounting program with the Russian Federation would make the participation of the Russian Federation in such activities useful in providing technical assistance under that paragraph.

(d) **PLAN FOR ACCELERATED CONVERSION OR RETURN OF WEAPONS-USABLE NUCLEAR MATERIALS.**—(1) The Secretary shall build on efforts to accelerate the conversion or return to the country of origin of all weapons-usable nuclear materials located in research reactors and other facilities outside the country of origin.

(2) The plan under paragraph (1) for nuclear materials of origin in the Soviet Union shall be developed in consultation with the Russian Federation.

(3) As part of the plan under paragraph (1), the Secretary shall assist the research reactors and facilities referred to in that paragraph in upgrading their materials protection, control, and accounting procedures until the weapons-usable nuclear materials in such reactors and facilities are converted or returned in accordance with that paragraph.

(4) The provision of assistance under paragraph (3) shall be closely coordinated with ongoing efforts of the International Atomic Energy Agency for the same purpose.

(e) **RADIOLOGICAL DISPERSAL DEVICE PROTECTION, CONTROL, AND ACCOUNTING.**—(1) The Secretary shall establish within the International Materials Protection, Control, and Accounting program a program on the protection, control, and accounting of materials usable in radiological dispersal devices.

(2) The program under paragraph (1) shall include—

(A) an identification of vulnerabilities regarding radiological materials worldwide;

(B) the mitigation of vulnerabilities so identified through appropriate security enhancements; and

(C) an acceleration of efforts to recover and control so-called "orphaned" radiological sources.

(3) The program under paragraph (1) shall be known as the Radiological Dispersal Device Protection, Control, and Accounting program.

(f) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated for the Department of Energy to carry out activities under this section amounts as follows:

(1) For fiscal year 2003, \$10,000,000.

(2) For each fiscal year after fiscal year 2003, such sums as may be necessary in such fiscal year.

## **SEC. 6. ACCELERATED DISPOSITION OF HIGHLY ENRICHED URANIUM AND PLUTONIUM.**

(a) **PROGRAM AUTHORIZED.**—(1) The Secretary of Energy may carry out a program to pursue with the Russian Federation, and any

other nation that possesses highly enriched uranium, options for blending such uranium so that the concentration of U-235 in such uranium is below 20 percent.

(2) The options pursued under paragraph (1) shall include expansion of the Material Consolidation and Conversion program of the Department of Energy to include—

(A) additional facilities for the blending of highly enriched uranium; and

(B) additional centralized secure storage facilities for highly enriched uranium, as so blended.

(b) **INCENTIVES REGARDING HIGHLY ENRICHED URANIUM IN RUSSIA.**—As part of the options pursued under subsection (a) with the Russian Federation, the Secretary may provide financial and other incentives for the removal of all highly enriched uranium from any particular facility in the Russian Federation if the Secretary determines that such incentives will facilitate the consolidation of highly enriched uranium in the Russian Federation to the best-secured facilities.

(c) **CONSTRUCTION WITH HEU DISPOSITION AGREEMENT.**—Nothing in this section may be construed as terminating, modifying, or otherwise effecting requirements for the disposition of highly enriched uranium under the Agreement Between the Government of the United States of America and the Government of the Russian Federation Concerning the Disposition of Highly Enriched Uranium Extracted from Nuclear Weapons, signed at Washington on February 18, 1993.

(d) **PRIORITY IN BLENDING ACTIVITIES.**—In pursuing options under this section, the Secretary shall give priority to the blending of highly enriched uranium from weapons, though highly enriched uranium from sources other than weapons may also be blended.

(e) **TRANSFER OF HIGHLY ENRICHED URANIUM AND PLUTONIUM TO UNITED STATES.**—(1) As part of the program under subsection (a), the Secretary may, upon the request of any nation—

(A) purchase highly enriched uranium or weapons grade plutonium from the nation at a price determined by the Secretary;

(B) transport any uranium or plutonium so purchased to the United States; and

(C) store any uranium or plutonium so transported in the United States.

(2) The Secretary is not required to blend any highly enriched uranium purchased under paragraph (1)(A) in order to reduce the concentration of U-235 in such uranium to below 20 percent. Amounts authorized to be appropriated by subsection (m) may not be used for purposes of blending such uranium.

(f) **TRANSFER OF HIGHLY ENRICHED URANIUM TO RUSSIA.**—(1) As part of the program under subsection (a), the Secretary may encourage nations with highly enriched uranium to transfer such uranium to the Russian Federation for disposition under this section.

(2) The Secretary shall pay any nation that transfers highly enriched uranium to the Russian Federation under this subsection an amount determined appropriate by the Secretary.

(3) The Secretary shall bear the cost of any blending and storage of uranium transferred to the Russian Federation under this subsection, including any costs of blending and storage under a contract under subsection (g).

(g) **CONTRACTS FOR BLENDING AND STORAGE OF HIGHLY ENRICHED URANIUM IN RUSSIA.**—As part of the program under subsection (a), the Secretary may enter into one or more contracts with the Russian Federation—

(1) to blend in the Russian Federation highly enriched uranium of the Russian Federation and highly enriched uranium transferred to the Russian Federation under subsection (f); or

(2) to store the blended material in the Russian Federation.

(h) **LIMITATION ON RELEASE FOR SALE OF BLENDED URANIUM.**—Uranium blended under this section may not be released for sale until the earlier of—

(1) January 1, 2014; or

(2) the date on which the Secretary certifies that such uranium can be absorbed into the global market without undue disruption to the uranium mining industry in the United States.

(i) **PROCEEDS OF SALE OF URANIUM BLENDED BY RUSSIA.**—Upon the sale by the Russian Federation of uranium blended under this section by the Russian Federation, the Secretary may elect to receive from the proceeds of such sale an amount not to exceed 75 percent of the costs incurred by the Department of Energy under subsections (b), (f), and (g).

(j) **REPORT ON STATUS OF PROGRAM.**—Not later than July 1, 2003, the Secretary shall submit to Congress a report on the status of the program carried out under the authority in subsection (a). The report shall include—

(1) a description of international interest in the program;

(2) schedules and operational details of the program; and

(3) recommendations for future funding for the program.

(k) **DISPOSITION OF PLUTONIUM IN RUSSIA.**—(1) The Secretary may assist the Russian Federation in any fiscal year with the plutonium disposition program of the Russian Federation (as established under the agreement referred to in paragraph (2)) if the President certifies to Congress at the beginning of such fiscal year that the United States and the Russian Federation have entered into a binding agreement on the disposition of the weapons grade plutonium of the Russian Federation.

(2) The agreement referred to in this paragraph is the Agreement Between the Government of the United States of America and the Government of the Russian Federation Concerning the Management and Disposition of Plutonium Designated As No Longer Required For Defense Purposes and Related Cooperation, signed August 29, 2000, and September 1, 2000.

(3) The program under paragraph (1)—

(A) shall include transparent verifiable steps;

(B) shall proceed at roughly the rate of the United States program for the disposition of plutonium;

(C) shall provide for cost-sharing among a variety of countries;

(D) shall provide for contributions by the Russian Federation;

(E) shall include steps over the near term to provide high confidence that the schedules for the disposition of plutonium of the Russian Federation will be achieved; and

(F) may include research on more speculative long-term options for the future disposition of the plutonium of the Russian Federation in addition to the near-term steps under subparagraph (E).

(l) **HIGHLY ENRICHED URANIUM DEFINED.**—In this section, the term “highly enriched uranium” means uranium with a concentration of U-235 of 20 percent or more.

(m) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated for the Department of Energy to carry out activities under this section amounts as follows:

(1) For fiscal year 2003—

(A) for activities under subsections (a) through (i), \$100,000,000; and

(B) for activities under subsection (k), \$200,000,000.

(2) For each fiscal year after fiscal year 2003, such sums as may be necessary in such

fiscal year for activities under subsection (a) through (i).

## **SEC. 7. STRENGTHENED INTERNATIONAL SAFEGUARDS FOR NUCLEAR MATERIALS AND SAFETY FOR NUCLEAR OPERATIONS.**

(a) **REPORT ON OPTIONS FOR INTERNATIONAL PROGRAM TO STRENGTHEN SAFEGUARDS AND SAFETY.**—(1) Not later than 180 days after the date of the enactment of this Act, the Administrator for Nuclear Security shall submit to Congress a report on options for an international program to develop strengthened safeguards for all nuclear materials and safety for nuclear operations.

(2) Each option for an international program under paragraph (1) may provide that the program is jointly led by the United States, the Russian Federation, and the International Atomic Energy Agency.

(3) The Administrator shall include with the report on options for an international program under paragraph (1) a description and assessment of various management alternatives for the international program. If any option requires Federal funding or legislation to implement, the report shall also include recommendations for such funding or legislation, as the case may be.

(b) **JOINT PROGRAMS WITH RUSSIA ON PROLIFERATION RESISTANT NUCLEAR TECHNOLOGIES.**—The Administrator shall pursue with the Russian Federation joint programs between the United States and the Russian Federation on proliferation resistant nuclear technologies.

(c) **PARTICIPATION OF OFFICE OF NUCLEAR ENERGY SCIENCE.**—The Administrator shall consult with the Office of Nuclear Energy Science and Technology of the Department of Energy in the development of options under subsection (a) and joint programs under (b).

(d) **PARTICIPATION OF INTERNATIONAL TECHNICAL EXPERTS.**—In developing options under subsection (a), the Administrator shall, in consultation with the Russian Federation and the International Atomic Energy Agency, convene and consult with an appropriate group of international technical experts on the development of various options for technologies to provide strengthened safeguards for nuclear materials and safety for nuclear operations, including the implementation of such options.

(e) **ASSISTANCE REGARDING HOSTILE INSIDERS AND AIRCRAFT IMPACTS.**—(1) The Secretary of Energy may, utilizing appropriate expertise of the Department of Energy, provide assistance to nuclear facilities abroad on the interdiction of hostile insiders at such facilities in order to prevent incidents arising from the disablement of the vital systems of such facilities.

(2) The Secretary may carry out a joint program with the Russian Federation and other countries to address and mitigate concerns on the impact of aircraft with nuclear facilities in such countries.

(f) **ASSISTANCE TO IAEA IN STRENGTHENING INTERNATIONAL NUCLEAR SAFEGUARDS.**—The Secretary may expand and accelerate the programs of the Department of Energy to support the International Atomic Energy Agency in strengthening international nuclear safeguards.

(g) **AUTHORIZATION OF APPROPRIATIONS.**—There is hereby authorized to be appropriated for the Department of Energy to carry out activities under this section amounts as follows:

(1) For fiscal year 2003—

(A) for activities under subsections (a) through (e), \$20,000,000, of which \$5,000,000 shall be available for sabotage protection for nuclear power plants and other nuclear facilities abroad; and

(B) for activities under subsection (f), \$30,000,000.

(2) For each fiscal year after fiscal year 2003, such sums as may be necessary in such fiscal year.

## **SEC. 8. EXPORT CONTROL PROGRAMS.**

(a) **AUTHORITY TO PURSUE OPTIONS FOR STRENGTHENING EXPORT CONTROL PROGRAMS.**—The Secretary of Energy may pursue in the former Soviet Union and other regions of concern, principally in South Asia, the Middle East, and the Far East, options for accelerating programs that assist countries in such regions in improving their domestic export control programs for materials, technologies, and expertise relevant to the construction or use of a nuclear or radiological dispersal device.

(b) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated for the Department of Energy to carry out activities under this section amounts as follows:

(1) For fiscal year 2003, \$5,000,000.

(2) For each fiscal year after fiscal year 2003, such sums as may be necessary in such fiscal year.

## **SEC. 9. IMPROVEMENTS TO NUCLEAR MATERIALS PROTECTION, CONTROL, AND ACCOUNTING PROGRAM OF THE RUSSIAN FEDERATION.**

(a) **REVISED FOCUS FOR PROGRAM.**—(1) The Secretary of Energy shall work cooperatively with the Russian Federation to update and improve the Joint Action Plan for the Materials Protection, Control, and Accounting programs of the Department and the Russian Federation Ministry of Atomic Energy.

(2) The updated plan shall shift the focus of the upgrades of the nuclear materials protection, control, and accounting program of the Russian Federation in order to assist the Russian Federation in achieving, as soon as practicable but not later than January 1, 2012, a sustainable safeguards system for the nuclear materials of the Russian Federation that is supported solely by the Russian Federation.

(b) **PACE OF PROGRAM.**—The Secretary shall work with the Russian Federation, including applicable institutes in Russia, to pursue acceleration of the nuclear materials protection, control, and accounting programs at nuclear defense facilities in the Russian Federation.

(c) **TRANSPARENCY OF PROGRAM.**—(1) The Secretary shall work with the Russian Federation to identify various alternatives to provide the United States adequate transparency in the nuclear materials protection, control, and accounting program of the Russian Federation to assure that such program is meeting applicable goals for nuclear materials protection, control, and accounting.

(2) The alternatives identified under paragraph (1) may not include full intrusive access to sensitive facilities in the Russian Federation.

(d) **SENSE OF CONGRESS.**—In furtherance of the activities required under this section, it is the sense of Congress the Secretary should—

(1) improve the partnership with the Russian Ministry of Atomic Energy in order to enhance the pace and effectiveness of nuclear materials safeguards at facilities in the Russian Federation, including serial production enterprises; and

(2) clearly identify the assistance required by the Russian Federation, the contributions anticipated from the Russian Federation, and the transparency milestones that can be used to assess progress in meeting the requirements of this section.

## **SEC. 10. COMPREHENSIVE ANNUAL REPORT TO CONGRESS OF ALL UNITED STATES NONPROLIFERATION ACTIVITIES.**

Section 1205 of the National Defense Authorization Act for Fiscal Year 2002 (Public

Law 107-107; 115 Stat. 1247) is amended by adding at the end the following new subsection:

“(d) ANNUAL REPORT ON IMPLEMENTATION OF PLAN.—(1) Not later than January 31, 2003, and each year thereafter, the President shall submit to Congress a report on the implementation of the plan required by subsection (a) during the preceding year.

“(2) Each report under paragraph (1) shall include—

“(A) a discussion of any progress made during the year covered by such report in the matters of the plan required by subsection (a);

“(B) a discussion of any consultations with foreign nations, and in particular the Russian Federation, during such year on joint programs to implement the plan;

“(C) a discussion of any cooperation and coordination during such year in the implementation of the plan between the United States and private entities that share objectives similar to the objectives of the plan; and

“(D) any recommendations that the President considers appropriate regarding modifications to law or regulations, or to the administration or organization of any Federal department or agency, in order to improve the effectiveness of any programs carried out during such year in the implementation of the plan.”.

**SEC. 11. UTILIZATION OF DEPARTMENT OF ENERGY NATIONAL LABORATORIES AND SITES IN SUPPORT OF ANTITERRORISM ACTIVITIES.**

(a) AGENCIES AS JOINT SPONSORS OF LABORATORIES FOR WORK ON ANTITERRORISM.—Each department or agency of the Federal Government, or of a State or local government, that carries out work on antiterrorism activities at a Department of Energy national laboratory shall be a joint sponsor, under a multiple agency sponsorship arrangement with the Department, of such laboratory in the performance of such work.

(b) AGENCIES AS JOINT SPONSORS OF SITES FOR WORK ON ANTITERRORISM.—Each department or agency of the Federal Government, or of a State or local government, that carries out work on antiterrorism activities at a Department site shall be a joint sponsor of such site in the performance of such work as if such site were a federally funded research and development center and such work were performed under a multiple agency sponsorship arrangement with the Department.

(c) PRIMARY SPONSORSHIP.—The Department of Energy shall be the primary sponsor under a multiple agency sponsorship arrangement required under subsection (a) or (b).

(d) WORK.—(1) The Administrator for Nuclear Security shall act as the lead agent in coordinating the submittal to a Department national laboratory or site of requests for work on antiterrorism matters by departments and agencies that are joint sponsors of such national laboratory or center, as the case may be, under this section.

(2) A request for work may not be submitted to a national laboratory or site under this section unless approved in advance by the Administrator.

(3) Any work performed by a national laboratory or site under this section shall comply with the policy on the use of federally funded research and development centers under section 35.017(a)(4) of the Federal Acquisition Regulation.

(4) The Administrator shall ensure that the work of a national laboratory or site requested under this section is performed expeditiously and to the satisfaction of the head of the department or agency submitting the request.

(e) FUNDING.—(1) Subject to paragraph (2), a joint sponsor of a national laboratory or

site under this section shall provide funds for work of such center or site, as the case may be, under this section under the same terms and conditions as apply to the primary sponsor of such center under section 303(b)(1)(C) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253(b)(1)(C)) or of such site to the extent such section applies to such site as a federally funded research and development center by reason of subsection (b).

(2) The total amount of funds provided a national laboratory or site in a fiscal year under this subsection by joint sponsors other than the Department of Energy shall not exceed an amount equal to 25 percent of the total funds provided such center or site, as the case may be, in such fiscal year from all sources.

Mr. BIDEN. Mr. President, the world is a dangerous place, and the United States is not immune to those dangers. In just the last few days, we have heard warnings that suicide bombers will mount attacks in the United States and that terrorist groups will inevitably obtain weapons of mass destruction from rogue states.

My own greatest concern is that rogue states or terrorist groups may obtain nuclear weapons, or the means to produce them, from the former Soviet Union, where less-than-adequate security and under-employed weapons scientists coexist with the world's largest stockpile of excess fissile material. We know that both rogues and terrorists are attempting to exploit the instability in that region in order to gain weapons of mass destruction.

Some Russians have been caught stealing radioactive, or even fissile, material. And witnesses at two Foreign Relations Committee hearings warned that even modestly capable terrorists could convert stolen highly enriched uranium into enormously destructive improvised nuclear devices.

But I do not share the view that proliferation of nuclear weapons is inevitable. The United States has had real successes in nuclear nonproliferation and there is every reason to think that we can build on that record.

Thanks to the Nunn-Lugar Cooperative Threat Reduction program, the countries of Belarus, Kazakhstan and Ukraine gave up their nuclear weapons.

Thanks to the Materials Protection, Control and Accounting program, many Russian facilities have improved their security for fissile material.

Thanks to our fissile material disposition programs, the United States and Russia will each demilitarize 34 metric tons of excess plutonium, and Russia will downblend 500 metric tons of high-enriched uranium into low-enriched fuel for nuclear power reactors.

Thanks to several U.S. programs, thousands of under-employed weapons scientists in the former Soviet Union have obtained at least part-time employment in new, socially useful endeavors.

These programs point the way to how we can speed up the day when rogue states and terrorists will find the doors closed to them when they seek dan-

gerous materials or technology from the former Soviet Union. The administration told many months to review these programs last year, but that review led it to the absolutely correct conclusions that the programs are vital to our national security and that nearly all of them should be expanded. The problem now is that we are still not doing nearly enough. The President's budget request for fiscal year 2003 would maintain our nonproliferation assistance programs, but not significantly increase them.

The Nuclear Nonproliferation Act of 2002 takes important steps to expand these programs, and I am proud to co-sponsor this legislation. Senator DOMENICI to be both commended and supported for drafting this bill. I am also delighted to be joined by Senators LUGAR and HAGEL from the Foreign Relations Committee, Senators LANDRIEU and BINGAMAN from the Armed Services Committee, and Senator MURKOWSKI, who has paid particular attention to Russian nuclear problems.

The Nuclear Nonproliferation Act of 2002 will lead to greater levels of effort—and, I believe, greater levels of achievement—in several areas. For example, it authorizes \$40 million for a new research, development, and demonstration program to help respond to nuclear or radiological terrorism. Some of these funds would also help other nations to better regulate the protection and control of radiological sources, to prevent any diversion to terrorists. Some of the funds will go to new technologies to detect radioactive and fissile materials being smuggled into the United States. And some will support work with the International Atomic Energy Agency to improve international safeguards for nuclear materials and operations.

It authorizes up to \$300 million to accelerate and expand current programs to blend down highly enriched uranium (HEU) into reactorgrade material which cannot explode and to dispose of plutonium in Russia. This provision also allows for HEU purchases from other countries.

It authorizes \$20 million for work with the international community to develop options for a global program for international safeguards, nuclear safety and proliferation-resistant nuclear technologies. This includes efforts to improve sabotage protection for nuclear power plants and other nuclear facilities overseas.

These are sensible proposals, and very sensibly priced when one considers the magnitude of the threat that they address. Former Senator Howard Baker and former White House Counsel Lloyd Cutler called on us last year to devote at least \$3,000,000,000 dollars a year to this effort. Even with last year's congressionally-mandated budget increases and even with this fine bill, we will achieve less than two-thirds of that objective.

But these are important steps, ones that have been vetted with experts inside and outside our government. They

deserve the support of all of us, and they will help build a safer world for our children and grandchildren.

By Mr. THURMOND:

S. 2546. A bill to amend title 49, United States Code, to establish a program for Federal flight deck officers, and for other purposes; to the Committee on Armed Services.

Mr. THURMOND. Mr. President, I rise today to express my disappointment in the decision announced yesterday by the Department of Transportation against allowing airline pilots to carry firearms during the performance of their duties. Today I am introducing legislation which would overturn that decision and require the Transportation Security Administration to establish a program to permit pilots to defend their aircraft against acts of criminal violence or air piracy. This legislation will provide a critical last line of defense to secure commercial aircraft.

This bill I am introducing today is identical to a bill in the House of Representatives, H.R. 4635, introduced by Mr. YOUNG of Alaska and Mr. MICA of Florida. The legislation requires the Under Secretary of Transportation for Security to establish a program not later than 90 days after the date of enactment to deputize qualified volunteer pilots as Federal law enforcement officers to defend the cockpits of commercial aircraft in flight against acts of criminal violence or air piracy. Pilots who are deputized will be known as "Federal Flight Deck Officers" and will be authorized to carry a firearm and use force, including deadly force, against an individual in defense of an aircraft.

Under the bill, a qualified pilot is a pilot that is employed by an air carrier, has demonstrated to the satisfaction of the Under Secretary fitness to be a Federal Flight Deck Officer, and has been the subject of an employment investigation, including a criminal history record check.

Not later than 120 days after the date of enactment, the Under Secretary shall deputize 500 qualified pilots who are former military or law enforcement personnel. Not later than 24 months after the date of enactment, the Under Secretary shall deputize any qualified pilot. The Federal Government will provide training, supervision and equipment at no expense to the pilot or air carrier. Pilots participating in this program will not be eligible to receive compensation for services. The legislation protects volunteer pilots and their employers against liability from damages resulting from participation in the program.

The Department of Transportation has taken important steps to improve the security of our airports and protect the flying public. However, September 11 demonstrated our enemies will stop at nothing to inflict harm on Americans and destroy our way of life. Our response must be equally as deter-

mined and resolute. We must not take half measures or engage in wishful thinking. We must not refrain from utilizing every tool we possess. We must enable those who pilot commercial passenger aircraft to defend against any threat and protect the safety of their aircraft and passengers. And finally, we must do so without further delay. I hope the Senate responds quickly to this important matter.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2546

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Arming Pilots Against Terrorism Act".

#### SEC. 2. FEDERAL FLIGHT DECK OFFICER PROGRAM.

(a) IN GENERAL.—Subchapter I of chapter 449 of title 49, United States Code, is amended by adding at the end the following:

##### "§ 44921. Federal flight deck officer program

"(a) ESTABLISHMENT.—Not later than 90 days after the date of enactment of this section, the Under Secretary of Transportation for Security shall establish a program to deputize qualified volunteer pilots of passenger aircraft as Federal law enforcement officers to defend the flight decks of aircraft of air carriers engaged in air transportation or intrastate air transportation against acts of criminal violence or air piracy. Such officers shall be known as 'Federal flight deck officers'. The program shall be administered in connection with the Federal air marshal program.

"(b) QUALIFIED PILOT.—Under the program, a qualified pilot is a pilot of an aircraft engaged in air transportation or intrastate air transportation who—

"(1) is employed by an air carrier;

"(2) has demonstrated to the satisfaction of the Under Secretary fitness to be a Federal flight deck officer under the program; and

"(3) has been the subject of an employment investigation (including a criminal history record check) under section 44936(a)(1).

"(c) TRAINING, SUPERVISION, AND EQUIPMENT.—The Under Secretary of Transportation for Security shall provide training, supervision, and equipment necessary for a qualified pilot to be a Federal flight deck officer under this section at no expense to the pilot or the air carrier employing the pilot.

"(d) DEPUTIZATION.—

"(1) IN GENERAL.—The Under Secretary shall deputize, as a Federal flight deck officer under this section, any qualified pilot who submits to the Under Secretary a request to be such an officer.

"(2) INITIAL DEPUTIZATION.—Not later than 120 days after the date of enactment of this section, the Under Secretary shall deputize not fewer than 500 qualified pilots who are former military or law enforcement personnel as Federal flight deck officers under this section.

"(3) FULL IMPLEMENTATION.—Not later than 24 months after the date of enactment of this section, the Under Secretary shall deputize any qualified pilot as a Federal flight deck officer under this section.

"(e) COMPENSATION.—Pilots participating in the program under this section shall not be eligible for compensation from the Fed-

eral Government for services provided as a Federal flight deck officer.

"(f) AUTHORITY TO CARRY FIREARMS.—The Under Secretary shall authorize a Federal flight deck officer under this section to carry a firearm while engaged in providing air transportation or intrastate air transportation.

"(g) AUTHORITY TO USE FORCE.—Notwithstanding section 44903(d), a Federal flight deck officer may use force (including lethal force) against an individual in the defense of an aircraft in air transportation or intrastate air transportation if the officer reasonably believes that the security of the aircraft is at risk.

"(h) LIMITATION ON LIABILITY.—

"(1) LIABILITY OF AIR CARRIERS.—An air carrier shall not be liable for damages in any action brought in a Federal or State court arising out of the air carrier employing a pilot of an aircraft who is a Federal flight deck officer under this section or out of the acts or omissions of the pilot in defending an aircraft of the air carrier against acts of criminal violence or air piracy.

"(2) LIABILITY OF FEDERAL FLIGHT DECK OFFICERS.—A Federal flight deck officer shall not be liable for damages in any action brought in a Federal or State court arising out of the acts or omissions of the officer in defending an aircraft against acts of criminal violence or air piracy unless the officer is guilty of gross negligence or willful misconduct.

"(i) REGULATIONS.—Not later than 90 days after the date of enactment of this section, the Under Secretary, in consultation with the Firearms Training Unit of the Federal Bureau of Investigation, shall issue regulations to carry out this section.

"(j) PILOT DEFINED.—The term 'pilot' means an individual responsible for the operation of aircraft."

(b) CONFORMING AMENDMENTS.—

(1) CHAPTER ANALYSIS.—The analysis for such chapter is amended by inserting after the item relating to section 44920 the following:

"44921. Federal flight deck officer program."

(2) EMPLOYMENT INVESTIGATIONS.—Section 44936(a)(1)(B) is amended—

(A) by aligning clause (iii) with clause (ii);

(B) by striking "and" at the end of clause (iii);

(C) by striking the period at the end of clause (iv) and inserting "; and"; and

(D) by adding at the end the following:

"(v) qualified pilots who are deputized as Federal flight deck officers under section 44921."

(3) FLIGHT DECK SECURITY.—Section 128 of the Aviation and Transportation Security Act (Public Law 107-71) is repealed.

By Mr. BINGAMAN (for himself and Ms. SNOWE):

S. 2547. A bill to amend title XVIII of the Social Security Act to provide for fair payments under the Medicare hospital outpatient department prospective payment system; to the Committee on Finance.

Mr. BINGAMAN. Mr. President, I rise today with Senator SNOWE to introduce legislation entitled the "Medicare Hospital Outpatient Department Fair Payment Act of 2002" to improve Medicare payments for hospital outpatient department services.

According to the Medicare Payment Advisory Commission, or MedPAC, in its report to Congress this past March. "We estimate that the aggregate Medicare margin for outpatient services

will be -16.3 percent in 2002. Unfortunately, while the Medicare outpatient prospective payment system, or OPPTS, was created to give providers incentives to deliver quality outpatient care and services in an efficient manner, OPPTS reimbursement rates have been set at a level substantially below what is costs hospitals to care for Medicare patients. That is an unsustainable burden for our Nation's hospitals.

This problem is especially acute in rural areas. According to the Medicare Payment Advisory Commission's June 2001 report entitled "Report to Congress: Medicare in Rural America," outpatient costs represent 21.8 percent of total Medicare costs in rural hospitals compared to 16.1 percent in urban hospitals. As MedPAC concludes, "Given their greater reliance on Medicare and on outpatient services within Medicare, rural hospitals have more at stake than their urban counterparts in the move to the outpatient PPS."

In addition, Medicare's payment policy of paying less than cost creates inappropriate incentives for providers to provide services in the setting that receives the most favorable payment rather than the one best suited for the patient. Medicare policy should seek, as best as possible, to pay appropriate amounts to ensure access to care for Medicare beneficiaries in appropriate settings, whether in inpatient hospitals, outpatient care, ambulatory surgical centers, or physician offices.

To provide just one example, the following are the current payment rates for mammography in either a outpatient hospital setting of a physician's office: for unilateral diagnostic mammography, the OPPTS payment is \$30.54 compared to \$38.01 in a physician's office; for bilateral diagnostic mammography, the OPPTS payment is again \$30.54 compared to an even higher \$46.06 in a physician's office; for unilateral digital mammography, OPPTS payment just increased to \$75.00 compared to \$71.31 in a physician's office; and finally, for bilateral digital mammography, the OPPTS payment is \$75.00 compared to \$88.33 in a physician's office.

Why does Medicare pay between 24 percent to 54 percent more for a diagnostic mammography in a physician's office than in an outpatient hospital setting? Such disparities are unjustified and they are even worse for other Medicare services.

To address these problems, the "Medicare Hospital Outpatient Fair Payment Act of 2002" would: increase extremely underfunded emergency room and clinic ambulatory payment classifications, or APC, payment rates in the OPPTS system by 10 percent and require an increase in overall outpatient department payments to be adjusted to 90 percent of overall costs, from the current 84 percent; and improve and extend transitional corridor or "hold harmless" payments to rural hospitals, cancer hospitals, and children's hospitals, and extend the transi-

tional payments to designated eye and ear speciality hospitals.

The first provision would increase funding overall through the outpatient hospital system from 84 percent of cost to 90 percent of cost, still 10 percent less than the hospitals spend in delivering necessary outpatient care, with special focus and priority on payments for emergency room and clinic payments, prevention services, cancer services, and to reduce the disparity between payments in outpatient and alternative settings.

The extension of the transitional corridors or hold harmless payments to rural, cancer, and children's hospitals addresses the particular problems those hospitals are facing with the OPPTS system and adds designated eye and ear speciality hospitals. With regard to rural hospitals, MedPAC recommended that due to the higher unit costs and a greater percentage of care delivered in rural outpatient settings in its June 2001 report entitled "Report to the Congress: Medicare in Rural America," that the data "supports the need for the existing hold-harmless policy" for rural hospitals.

Without the transitional corridor payments to rural hospitals, rural hospitals would be expected to be significant losers, according to MedPAC data. As MedPAC states, "Small rural hospitals were protected to more negatively affected, with those under 50 beds, about 50 percent of rural hospitals, losing 8.5 percent and those with 50-99 beds losing 2.7 percent." Even with the transitional corridor and hold-harmless payments, rural hospitals are still projected to have negative margins of 13.7 percent with respect to outpatient care.

The legislation also addresses problems created by the Balanced Budget Refinement Act of 1999, or BBRA, which established temporary additional Medicare payments, or transitional pass-through payments, for certain innovative medical devices, drugs, and biologics. By establishing the pass-through payments, Congress ensured Medicare beneficiaries would have access to the latest medical technologies. These pass-through payments were capped at 2.5 percent of total outpatient payments prior to 2004, and the Centers for Medicare and Medicaid Services, or CMS, is required by law to make a proportional reduction for all pass-through payments if that cap is exceeded.

In March 2002, CMS announced a reduction in pass-through payments of 63.6 percent. This reduction means that a pass-through payment of \$1,000 is reduced to just \$364. Again, hospitals cannot continue to provide needed services to beneficiaries with reductions of such a magnitude.

To prevent an event greater reduction in pass-through payments, CMS "folded-in" a significant portion of costs of these new technologies into the base APCs. However, because the law requires that these changes are

made in a budget-neutral manner, this resulted in a substantial reduction in payments for standard outpatient services that do not rely upon high-tech medical devices. In 2002, incorporating 75 percent of device costs into the APCs led to a budget-neutrality adjustment of -7.2 percent, causing the substantial reduction in the OPPTS fee schedule amounts.

As MedPAC notes, "If pass-through items are overused and overpaid, APCs that include these technologies will be relatively overpaid while APCs that do not will be underpaid. This process also will have inappropriate distributional effects among hospitals if some hospitals provide more services that use pass-through technologies than others." For example, rural hospitals tend to provide a greater proportion of more basic Services, emergency care services, and fewer services that require advanced technology, according to MedPAC. These are the services particularly hard hit by the budget neutrality provision, and yet, they are certainly not any less expensive than they were last year.

To address these problems with Medicare's pass-through payment system, the bill would: limit the pro-rata reduction in pass-through to 20 percent; and limit the budget neutrality adjustment to no more than 2.0 percent annually.

For New Mexico, the importance of this legislation cannot be overstated. In 2000, New Mexico had over 3.1 million outpatient visits by Medicare beneficiaries for important health concerns. This includes essential services such as diagnostic tests, clinic visits, emergency care treatment, chemotherapy, and surgery. In addition, according to estimates from the American Hospital Association, the impact of this legislation to New Mexico hospitals would be an increase in Medicare payments between \$48 and \$59 million over the next five years.

For an industry attempting to survive cuts to payments from the private sector, Medicare and Medicaid, while also dealing with the Nation's highest percentage of uninsured patients in the country. This legislation is both timely and necessary. It is unjustifiable for Medicare to continue to pay just 84 percent of the cost of care of Medicare beneficiaries.

The bottom line is that this bipartisan legislation will ensure our nation's hospitals a more rationale, fair, and equitable payment system for services delivered to Medicare beneficiaries in an outpatient setting.

I ask unanimous consent for the text of the bill and a copy of a letter to support from AHA to be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2457

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

(a) **SHORT TITLE.**—This Act may be cited as the “Medicare Hospital Outpatient Department Fair Payment Act of 2002”.

(b) **TABLE OF CONTENTS.**—The table of contents of this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Ensuring adequate OPD fee schedule amounts for clinic and emergency visits.
- Sec. 3. Limitation of pro rata reductions to pass-through payments.
- Sec. 4. Clarifying application of OPD fee schedule increase factor.
- Sec. 5. Limitation on budget neutrality adjustment for annual revisions to system components.
- Sec. 6. Outlier payments.
- Sec. 7. Adjustment to limit decline in payment.
- Sec. 8. Special increase in certain relative payment weights.
- Sec. 9. Permanent extension of provider-based status.

**SEC. 2. ENSURING ADEQUATE OPD FEE SCHEDULE AMOUNTS FOR CLINIC AND EMERGENCY VISITS.**

(a) **IN GENERAL.**—Section 1833(t) of the Social Security Act (42 U.S.C. 1395(t)) is amended—

(1) in paragraph (3)(C)(ii)—

(A) by striking “paragraph (8)(B)” and inserting “paragraphs (11)(B) and (13)(A)(i)”;

(B) by striking “clause (iii)” and inserting “clause (iv)”;

(2) in paragraph (3)(C)(iii), by inserting “, paragraph (11)(B), or paragraph (13)(B)” after “this subparagraph”;

(3) in paragraph (3)(D)—

(A) in clause (i), by striking “conversion factor computed under subparagraph (C) for the year” and inserting “applicable conversion factor computed under subparagraph (C), paragraph (11)(B), or paragraph (13)(B) for the year (or portion thereof)”; and

(B) in clause (ii), by inserting “, paragraph (9)(A), or paragraph (13)(C)” after “paragraph (2)(C)”;

(4) in paragraph (9), by striking subparagraph (B) and inserting the following new subparagraph:

“(B) **BUDGET NEUTRALITY ADJUSTMENT.**—

“(i) **IN GENERAL.**—If the Secretary makes revisions under subparagraph (A), then the revisions for a year may not cause the estimated amount of expenditures under this part for the year to increase or decrease from the estimated amount of expenditures under this part (including expenditures attributable to the special rules specified in paragraph (13)) that would have been made if the revisions had not been made.

“(ii) **EXEMPTION FROM REDUCTION.**—The relative payment weights determined under paragraph (13)(C) and the conversion factor computed under paragraph (13)(B) shall not be reduced by any budget neutrality adjustment made pursuant to this subparagraph.”;

(5) by redesignating paragraph (13) as paragraph (14) and by inserting after paragraph (12) the following new paragraph:

“(13) **SPECIAL RULES FOR CALCULATING MEDICARE OPD FEE SCHEDULE AMOUNT FOR CLINIC AND EMERGENCY VISITS.**—

“(A) **IN GENERAL.**—In computing the Medicare OPD fee schedule amount under paragraph (3)(D) for covered OPD services that are furnished on or after April 1, 2002, and classified within a group established or revised under paragraph (2)(B) or (9)(A), respectively, for clinic or emergency visits (as described in subparagraph (D)), the Secretary shall—

“(i) substitute for the conversion factor calculated under paragraph (3)(C) the conver-

sion factor calculated under subparagraph (B); and

“(ii) substitute for the relative payment weight established or revised under paragraph (2)(C) or (9)(A), respectively, the relative payment weight determined under subparagraph (C) for such group.

“(B) **CALCULATION OF CONVERSION FACTOR.**—For purposes of subparagraph (A)(i), the conversion factor calculated under this subparagraph is—

“(i) for services furnished on or after April 1, 2002, and before January 1, 2003, an amount equal to 112.82 percent of the conversion factor specified for such period in the final rule published on March 1, 2002 (67 Fed. Reg. 9556 et seq.; entitled ‘Medicare Program; Correction of Certain Calendar Year 2002 Payment Rates Under the Hospital Outpatient Prospective Payment System and the Pro Rata Reduction on Transitional Pass-Through Payments; Correction of Technical and Typographical Errors’) and not taking into account any subsequent amendments to such final rule; and

“(ii) for services furnished in a year beginning after December 31, 2002, the conversion factor computed under this subparagraph for the previous year (or in the case of 2003, for the previous 9 months) increased by the OPD fee schedule increase factor specified under paragraph (3)(C)(iv) for the year involved.

“(C) **DETERMINATION OF RELATIVE PAYMENT WEIGHTS.**—For purposes of subparagraph (A)(ii), the relative payment weight determined under this subparagraph for a covered OPD service that is classified within such a group is—

“(i) for services furnished on or after April 1, 2002, and before January 1, 2003, the relative payment weight specified for such group for such period in Addendum A of the final rule published on March 1, 2002 (67 Fed. Reg. 9556 et seq.; entitled ‘Medicare Program; Correction of Certain Calendar Year 2002 Payment Rates Under the Hospital Outpatient Prospective Payment System and the Pro Rata Reduction on Transitional Pass-Through Payments; Correction of Technical and Typographical Errors’) and not taking into account any subsequent amendments to such final rule; and

“(ii) for services furnished in a year beginning on or after January 1, 2003—

“(I) for ambulatory patient classification group 0601 (relating to mid-level clinic visits), or a successor to such group, the relative payment weight specified for such group in the final rule referred to in clause (i); and

“(II) other ambulatory patient classification groups described in subparagraph (D), the relative payment weight established or revised under paragraph (2)(C) or (9)(A), respectively, for such group for such year (but without regard to any budget neutrality adjustment under paragraph (9)(B)).

“(D) **GROUPS FOR CLINIC AND EMERGENCY VISITS.**—For purposes of this paragraph, the groups established or revised under paragraph (2)(B) or (9)(A), respectively, for clinic and emergency visits are ambulatory patient classification groups 0600, 0601, 0602, 0610, 0611, and 0612 as defined for purposes of the final rule referred to in subparagraph (C)(i) (and any successors to such groups).”

(b) **LIMITATION ON SECRETARIAL AUTHORITY.**—Notwithstanding section 1833(t) of the Social Security Act (42 U.S.C. 1395(t)), the Secretary of Health and Human Services may not make any adjustment under—

(1) paragraph (2)(F), (3)(C)(iii), (9)(B), or (9)(C) of section 1833(t) of the Social Security Act (42 U.S.C. 1395(t)); or

(2) any other provision of such section; to ensure that the amendments made by subsection (a) do not cause the estimated amount of expenditures under part B of title

XVIII of such Act (42 U.S.C. 1395j et seq.) to exceed the estimated amount of expenditures that would have been made under such part but for such amendments.

(c) **PERIODIC LUMP-SUM RETROACTIVE PAYMENTS.**—The Secretary of Health and Human Services shall, not later than 60 days after the date of enactment of this Act (and at least every 90 days thereafter until the amendments made by subsection (a) are implemented)—

(1) estimate, for each hospital furnishing services for which payment may be made under section 1833(t) of the Social Security Act (42 U.S.C. 1395(t)) on or after April 1, 2002—

(A) the total amount of additional payments under such section that would have been made to such hospital as of the date of such estimate if such amendments had been implemented as of such date; and

(B) the total amount of additional payments under such section that have actually been made to such hospital as of the date of such estimate (including any amounts paid pursuant to this subsection); and

(2) make a lump-sum payment to such hospital equal to the amount by which the amount estimated under paragraph (1)(A) exceeds the amount estimated under paragraph (1)(B).

**SEC. 3. LIMITATION OF PRO RATA REDUCTIONS TO PASS-THROUGH PAYMENTS.**

(a) **IN GENERAL.**—Section 1833(t)(6)(E) of the Social Security Act (42 U.S.C. 1395(t)(6)(E)) is amended—

(1) in clause (i), by striking “The total” and inserting “Subject to clause (iv), the total”;

(2) in clause (iii), by striking “If the Secretary” and inserting “Subject to clause (iv), if the Secretary”;

(3) by adding at the end the following new clause:

“(iv) **LIMITATION ON PRO RATA REDUCTIONS.**—Notwithstanding clauses (i), (ii), and (iii), the Secretary may not reduce the additional payments that would otherwise be made under this paragraph (but for this subparagraph) for items and services furnished on or after April 1, 2002, by a percentage that exceeds 20.0 percent.”

(b) **PERIODIC LUMP-SUM RETROACTIVE PAYMENTS.**—The Secretary of Health and Human Services shall, not later than 60 days after the date of enactment of this Act (and at least every 90 days thereafter until clause (iv) of section 1833(t)(6)(E) of the Social Security Act (as added by subsection (a)(3)) is implemented)—

(1) estimate, for each hospital furnishing services for which payment may be made under section 1833(t) of the Social Security Act (42 U.S.C. 1395(t)) on or after April 1, 2002—

(A) the total amount of additional payments under paragraph (6) of such section that would have been made to such hospital as of the date of such estimate if such clause had been implemented as of such date; and

(B) the total amount of additional payments under such paragraph that have actually been made to such hospital as of the date of such estimate (including any amounts paid pursuant to this subsection); and

(2) make a lump-sum payment to such hospital equal to the amount by which the amount estimated under paragraph (1)(A) exceeds the amount estimated under paragraph (1)(B).

**SEC. 4. CLARIFYING APPLICATION OF OPD FEE SCHEDULE INCREASE FACTOR.**

Section 1833(t)(3)(C)(iv) of the Social Security Act (42 U.S.C. 1395(t)(3)(C)(iv)) is amended by adding at the end the following new sentence: “Effective for years beginning



with 2002, the OPD fee schedule increase factor for a year shall take effect on January 1 of such year, and nothing in this subsection shall be construed as authorizing the Secretary to delay the date on which such increase factor takes effect by reason of any delay in implementing the revisions authorized by paragraph (9)(A) for such year or for any other reason."

#### SEC. 5. LIMITATION ON BUDGET NEUTRALITY ADJUSTMENT FOR ANNUAL REVISIONS TO SYSTEM COMPONENTS.

Section 1833(t)(9)(B) of the Social Security Act (42 U.S.C. 1395f(t)(9)(B)), as amended by section 2(a)(4), is amended—

(1) in clause (i), by striking "If the Secretary" and inserting "Subject to clause (iii), if the Secretary"; and

(2) by adding at the end the following new clause:

"(iii) LIMITATION ON ADJUSTMENT.—For years after 2001, the budget neutrality adjustment under this subparagraph may not reduce the payments that would otherwise be made under this part but for this subparagraph by more than 2.0 percent."

#### SEC. 6. OUTLIER PAYMENTS.

Section 1833(t)(5) of the Social Security Act (42 U.S.C. 1395f(t)(5)) is amended—

(1) in subparagraph (C)—

(A) in clause (i), by striking "exceed the applicable" and inserting "exceed a percentage specified by the Secretary that is not less than the applicable minimum percentage or greater than the applicable maximum"; and

(B) by striking clause (ii) and inserting the following new clause:

"(ii) APPLICABLE PERCENTAGES.—For purposes of clause (i)—

"(I) the term 'applicable minimum percentage' for a year means zero percent for years before 2003 and 2.0 percent for years after 2002; and

"(II) the term 'applicable maximum percentage' for a year means 2.5 percent for years before 2003 and 3.0 percent for years after 2002.";

(2) in subparagraph (D)—

(A) in the heading, by striking "TRANSITIONAL AUTHORITY" and inserting "FLEXIBILITY"; and

(B) in the matter preceding clause (i), by striking "for covered OPD services furnished before January 1, 2002,".

#### SEC. 7. ADJUSTMENT TO LIMIT DECLINE IN PAYMENT.

Section 1833(t)(7) of the Social Security Act (42 U.S.C. 1395f(t)(7)) is amended—

(1) in the heading, by striking "TRANSITIONAL ADJUSTMENT" and inserting "ADJUSTMENT";

(2) in subparagraph (A)—

(A) in the heading, by striking "BEFORE 2002" and inserting "IN GENERAL";

(B) in the matter preceding clause (i)—

(i) by striking "subparagraph (D)" and inserting "subparagraph (B)";

(ii) by striking "furnished before January 1, 2002,"; and

(iii) by striking "subparagraph (E)" and inserting "subparagraph (C)"; and

(C) in clause (i), by striking "subparagraph (F)" and inserting "subparagraph (D)";

(3) by striking subparagraph (D) and inserting the following new subparagraph:

"(D) HOLD HARMLESS PROVISIONS.—

"(i) CANCER, CHILDREN'S, AND SMALL RURAL HOSPITALS.—In the case of a hospital that is described in clause (iii) or (v) of section 1886(d)(1)(B) or is located in a rural area and has not more than 100 beds, for covered OPD services—

"(I) that are furnished on or after the date on which payment is first made under this subsection; and

"(II) for which the PPS amount is less than the pre-BBA amount (or for services

furnished on or after January 1, 2002, is less than the greater of the pre-BBA amount or the reasonable costs incurred in furnishing such services), the amount of payment under this subsection shall be increased by the amount of such difference.

"(ii) EYE AND EAR HOSPITALS.—In the case of a hospital or unit described in subsection (i)(4), for covered OPD services—

"(I) that are furnished on or after January 1, 2002; and

"(II) for which the PPS amount is less than the greater of the base year amount (which for purposes of this subparagraph shall be determined in the same manner as the pre-BBA amount under subparagraph (D), except that clause (ii)(I) of such subparagraph shall be applied by substituting '2001' for '1996') or the reasonable costs incurred in furnishing such services, the amount of payment under this subsection shall be increased by the amount of such difference.";

(4) in subparagraph (F)(ii)(I), by striking "subparagraph (E)" and inserting "subparagraph (C)"; and

(5) by striking subparagraphs (B) and (C) and redesignating subparagraphs (D), (E), (F), (G), (H), and (I) as subparagraphs (B), (C), (D), (E), (F), and (G), respectively.

#### SEC. 8. SPECIAL INCREASE IN CERTAIN RELATIVE PAYMENT WEIGHTS.

Section 1833(t) of the Social Security Act (42 U.S.C. 1395f(t)) is amended—

(1) in paragraph (3)(D)(ii), as amended by section 2(a)(3)(B), by striking "or paragraph (13)(C)" and inserting "paragraph (13)(C), or paragraph (14)";

(2) in paragraph (9)(B)(i), as amended by section 2(a)(4), by inserting "determined without regard to expenditures made by reason of the adjustments required by paragraph (14)" after "paragraph (13)";

(3) in paragraph (12)(C), by striking "paragraph (6)" and inserting "paragraph (9) (including adjustments authorized by paragraph (14))"; and

(4) by redesignating paragraph (14) (as redesignated by section 2(a)(5)) as paragraph (15) and by inserting after paragraph (13) the following new paragraph:

"(14) REQUIREMENT TO INCREASE RELATIVE PAYMENT WEIGHTS IN CERTAIN CIRCUMSTANCES.—

"(A) IN GENERAL.—Notwithstanding the methodologies specified for determining relative payment weights described in paragraphs (2)(C) and (9)(A), for years beginning with 2002, the Secretary shall, as part of the revisions required by paragraph (9)(A), increase the relative payment weight for any group established or revised under paragraph (2)(C) or (9)(A), respectively, above the weight that would otherwise apply to such group under this subsection if the Secretary determines that such an increase is necessary to ensure that the medicare OPD fee schedule amount for the group for the year is not less than 90 percent of the median costs for services classified within the group.

"(B) PRIORITIES.—For purposes of providing for increases under subparagraph (A), the Secretary shall give priority first to preventive services, second to cancer services, third to services for which the medicare OPD fee schedule amount that would otherwise apply is less than the payment level under this title for such services in other settings, and fourth to other services.

"(C) DATA.—The Secretary may base increases under subparagraph (A) on data from any source and is not limited to data appropriate for estimating the costs incurred by hospitals in furnishing such services.

"(D) AGGREGATE EXPENDITURES.—Notwithstanding the application of the percentage specified under subparagraph (A), the Sec-

retary shall provide for increases under such subparagraph for each year so that the estimated amount of additional expenditures attributable to adjustments under such subparagraph is not less than \$1,000,000,000 in such year."

#### SEC. 9. PERMANENT EXTENSION OF PROVIDER-BASED STATUS.

Paragraphs (1) and (2) of section 404(a) of the Medicare, Medicaid, and SCHIP Benefits Improvement and Protection Act of 2000 (113 Stat. 2763A-506), as enacted into law by section 1(a)(6) of Public Law 106-554, are each amended by striking "until October 1, 2002".

AMERICAN HOSPITAL ASSOCIATION,

Washington, DC, May 22, 2002.

Hon. JEFF BINGAMAN,

U.S. Senate, Hart Senate Office Building, Washington, DC.

DEAR SENATOR BINGAMAN: On behalf of our nearly 5,000 hospital, health care system, network and other health care provider members, the American Hospital Association is writing to express our strong support for the Medicare Hospital Outpatient Fair Payment Act of 2002 that you have introduced with Sen. Olympia Snowe (R-ME). We believe this bill is an essential component to ensuring that America's Medicare patients receive emergency care and outpatient services, and have equal access to the newest medical technologies.

As hospital care continues to shift to the outpatient setting, it is imperative that Congress begins to address the complex operational issues and payment inequities created by the outpatient prospective payment system (OPPS). While the OPPS was created to give providers incentives to deliver quality care in an efficient manner, outpatient payment rates were set at a level substantially below the costs hospitals incur caring for Medicare patients. Medicare currently pays hospitals only 84 cents for every dollar of outpatient care provided.

Your comprehensive legislation would address problems in the OPPS by extending and enhancing provisions that ensure patient care is not disrupted as hospitals transition into OPPS. We applaud your leadership on this important issue and support swift enactment of this legislation. We look forward to working with you further on this issue.

Sincerely,

RICK POLLACK,  
Executive Vice President.

Ms. SNOWE. Mr. President, I am pleased to join with my colleague and good friend Senator BINGAMAN to introduce the Medicare Hospital Outpatient Fair Payment Act of 2002. We are introducing this bill because of the critical importance of outpatient health care services and the devastating impact that the substantial reduction in Medicare payments for outpatient services will have on the delivery of care. Our legislation will increase payment rates for outpatient care to adequate levels to ensure appropriate access to outpatient care for our Nation's seniors. In addition, since the implementation of the new outpatient prospective payment system in August 2000, it has become evident that changes are needed, and this legislation proposes important reforms that will make the system work better for Medicare and for our Nation's seniors.

Our Nation's seniors rely upon outpatient care delivered through the Medicare program. This is the result of trends in medical care that will continue to place a greater emphasis on

the outpatient setting. According to Medpac, the number of outpatient visits increased 73 percent during the 1990s and nearly 5 percent in 2001 alone. New technologies and advances in medicine have made it possible for more and more care to be provided on an outpatient basis, which eliminates the need for an overnight hospital stay. This reduces the cost of care and gets the patient home sooner where recovery can begin. This trend will continue and underscores the importance of having an appropriate Medicare payment system for outpatient care.

Without these vitally needed changes in the Medicare outpatient payment system, our medical care infrastructure will suffer and patient care will be harmed. This March, the Medicare Payment Advisory Commission, Medpac, estimated that the aggregate margin for outpatient services would be minus 16.3 percent in 2002.

Congress created temporary additional payments, or transitional "pass-through" payments, for certain innovative medical devices, drugs and biologicals in the Balanced Budget Refinement Act, BBRA, of 1999. By establishing the pass-through pool, Congress ensured Medicare beneficiaries would have access to the latest medical technologies. These pass-through payments were capped at 2.5 percent of total outpatient payments prior to 2004, and the Centers for Medicare & Medicaid Services, CMS, is required by law to make a proportional reduction for all pass-through payments if that cap is exceeded. In March 2002, CMS announced a dramatic reduction in pass-through payments of 63.6 percent.

CMS took steps to avoid even greater reductions in the pass through payments by incorporating 75 percent of the device costs into the base ambulatory payment classifications, APC, amounts. Due to a Congressionally-mandated requirement, CMS was required to make this adjustment on a budget neutral basis, with no recognition for the impact of this shift in payment. As a result, Medicare payments were shifted from low-tech services to high-tech services. In addition, incorporating 75 percent of device costs into the APCs led to a budget-neutrality adjustment of minus 7.2 percent, causing a substantial reduction in the OPPS fee schedule amounts for 2002.

These shifts in payments that resulted from actions Congress took in the BBRA are greater than intended when it was first enacted. It is clear that corrections to the system are needed. Ironically, if these problems with outpatient payments are not corrected, hospitals will be forced to admit patients into the hospital for treatment that could have been provided more efficiently on an outpatient basis.

To address these problems, we are introducing the Medicare Hospital Outpatient Fair Payment Act of 2002. This comprehensive legislation would address problems within the current

Medicare hospital outpatient payment system. Specifically, it would address the problems outlined here by; increasing extremely underfunded emergency room and clinic ambulatory payment classifications, APC, rates by 10 percent and requiring an increase in overall outpatient payments to 90 percent of overall costs, still 10 percent less than hospitals spend in delivering necessary outpatient care, but an improvement on the current payment of just 84 percent of costs; limiting the pro rata reduction in pass-through payments to 20 percent; and limiting the budget neutrality adjustment to no more than 2.0 percent.

Furthermore, the bill improves and extends transitional corridor payments to rural hospitals, cancer hospitals, and children's hospitals, and extends the provision to designated eye and ear specialty hospitals.

We believe these changes are necessary if we are to preserve the quality of care in the outpatient setting that seniors deserve. Our Nation's seniors rely upon the health care services provided in the outpatient setting and we invite our colleagues on both sides of the aisle to join us in this effort.

By Mr. BINGAMAN (for himself and Mr. WELLSTONE):

S. 2548. A bill to amend the temporary assistance to needy families program under part A of title IV of the Social Security Act to improve the provision of education and job training under that program, and for other purposes; to the Committee on Finance.

Mr. BINGAMAN. Mr. President, I rise today to introduce the Education Works Act.

In 1996, legislation was passed which made major changes to our welfare laws. Since then, we know that the welfare rolls in most States have dramatically decreased. But reforming welfare is not just about reducing welfare rolls; welfare reform must ultimately be about helping poor individuals achieve self-sufficiency. While many have left welfare for work during the past several years, too many have been left behind because they don't have a high school degree, have little or no work history, have health problems, are in abusive relationships, or are dealing with other circumstances that make it difficult to work. In addition, those who have secured work are working at low wages with limited benefits. These parents experience little earning growth over time, because there are limited opportunities for mobility for those with low skill levels. As we move forward with the reauthorization process, we must do more to support state efforts to help these people find work and to ensure that all individuals leaving welfare are moving to employment that will provide long-term financial independence. The Education Works Act will do just that.

We know that the welfare programs that have been most successful in helping parents work and earn more over

the long run are those that have focused on employment but made substantial use of education and training, together with job search and other employment services. In addition, studies find that helping low-income parents increase their skills pays off in the labor market, particularly through participation in vocational training and postsecondary education and training.

Yet, less than one percent of Federal TANF funds were spent on education and training in 2000 and only five percent of TANF recipients participated in these activities in the same year. This is due in large part to the fact that the '96 law discouraged States from allowing welfare recipients to participate in education and training programs. Specifically, the law limits the extent to which education activities count toward Federal work participation requirements, effectively restricting how long individuals can participate in training and capping how many individuals can receive these services.

The Education Works Act would change this by: clarifying that States have the flexibility to allow participation in postsecondary, vocational English as a Second Language, and basic adult education programs by TANF recipients as part of the TANF work requirements; giving States the flexibility to determine how long each participant may participate in education and training activities while receiving benefits; giving States the flexibility to provide childcare and transportation supports, but not cash benefits, to parents and not toll the 5 year time limit for these individuals if they are participating in a full-time education program that will lead to work and long-term independence; and eliminating the 30 percent cap on the number of TANF recipients that can participate in education and training programs in fulfillment of their work requirements.

These are not radical changes. They do not discourage work, but rather enable it.

It is important to note that of the 21 States that have operated under TANF waivers since 1996, 18 of them had waivers of the requirements we are talking about here. Delaware, Indiana, Montana, Tennessee, Texas, Utah, Vermont and Oregon to name a few. The other 32 States should be given the same flexibility.

In my home State, we have recognized the important role that education and training, including postsecondary education, can play in helping some welfare recipients to improve their skills so that they can get off welfare and stay off welfare. In our State, we already have an "Education Works" program in place. But this program is limited to only 400 participants statewide, because the limitations in the TANF program make it impossible to use Federal TANF funds to implement it. This just doesn't make sense to me. We should give states the flexibility they need to implement the

types of programs that they believe work best. We should hold them accountable for decreasing caseloads over time and, more importantly, demonstrating that those leaving welfare are economically self-sufficient, but we should let them decide how to reach those goals. The Education Works Act would allow them to do just that. I urge my colleagues to support this legislation.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2548

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Education Works Act of 2002".

#### SEC. 2. COUNTING EDUCATION AND TRAINING AS WORK.

Section 407(d)(8) of the Social Security Act (42 U.S.C. 607(d)(8)) is amended to read as follows:

"(8) participation in vocational educational training, postsecondary education, an English-as-a-second-language program, or an adult basic education program;"

#### SEC. 3. ELIMINATION OF LIMIT ON NUMBER OF TANF RECIPIENTS ENROLLED IN VOCATIONAL EDUCATION OR HIGH SCHOOL WHO MAY BE COUNTED TOWARDS THE WORK PARTICIPATION REQUIREMENT.

Section 407(c)(2) of the Social Security Act (42 U.S.C. 607(c)(2)) is amended by striking subparagraph (D).

#### SEC. 4. NONAPPLICATION OF TIME LIMIT TO INDIVIDUALS WHO DO NOT RECEIVE CASH ASSISTANCE AND ARE ENGAGED IN EDUCATION OR EMPLOYMENT.

Section 408(a)(7) of the Social Security Act (42 U.S.C. 608(a)(7)) is amended by adding at the end the following:

"(H) LIMITATION ON MEANING OF 'ASSISTANCE' FOR CERTAIN INDIVIDUALS.—For purposes of this paragraph, child care or transportation benefits provided during a month under the State program funded under this part to an individual who is participating in a full-time educational program or who is employed shall not be considered assistance under the State program."

#### SEC. 6. EFFECTIVE DATE.

(a) IN GENERAL.—Except as otherwise provided in this Act, the amendments made by this Act shall take effect on October 1, 2002, and shall apply to payments made under part A of title IV of the Social Security Act for calendar quarters beginning on or after such date, without regard to whether regulations to implement the amendments are promulgated by such date.

(b) DELAY PERMITTED IF STATE LEGISLATION REQUIRED.—In the case of a State plan under section 402(a) of the Social Security Act which the Secretary of Health and Human Services determines requires State legislation (other than legislation appropriating funds) in order for the plan to meet the additional requirements imposed by the amendments made by this Act, the State plan shall not be regarded as failing to comply with the requirements of such section 402(a) solely on the basis of the failure of the plan to meet such additional requirements before the 1st day of the 1st calendar quarter beginning after the close of the 1st regular session of the State legislature that begins

after the date of enactment of this Act. For purposes of the previous sentence, in the case of a State that has a 2-year legislative session, each year of such session shall be deemed to be a separate regular session of the State legislature.

By Mr. MCCAIN (for himself and Mr. DORGAN):

S. 2550. A bill to amend the Professional Boxing Safety Act of 1966, and to establish the United States Boxing Administration; to the Committee on Commerce, Science, and Transportation.

Mr. MCCAIN. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2550

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Professional Boxing Amendments Act of 2002".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

Title I—Professional Boxing Safety Act Amendments

Sec. 101. Amendment of professional boxing safety act of 1966.

Sec. 102. Definitions.

Sec. 103. Purposes.

Sec. 104. Matches in jurisdictions without commissions.

Sec. 105. Safety standards.

Sec. 106. Registration.

Sec. 107. Review.

Sec. 108. Reporting.

Sec. 109. Contract requirements.

Sec. 110. Coercive contracts.

Sec. 111. Sanctioning organizations.

Sec. 112. Required disclosures by sanctioning organizations.

Sec. 113. Required disclosures by promoters.

Sec. 114. Confidentiality.

Sec. 115. Judges and referees.

Sec. 116. Medical registry.

Sec. 117. Recognition of tribal law.

Sec. 118. Establishment of United States Boxing Administration.

Sec. 119. Effective date.

#### TITLE I—PROFESSIONAL BOXING SAFETY ACT AMENDMENTS

##### SEC. 101. AMENDMENT OF PROFESSIONAL BOXING SAFETY ACT OF 1966.

Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Professional Boxing Safety Act of 1966 (15 U.S.C. 6301 et seq.).

##### SEC. 102. DEFINITIONS.

(a) IN GENERAL.—Section 2 (15 U.S.C. 6301) is amended to read as follows:

##### "SEC. 2. DEFINITIONS.

"In this Act:

"(1) BOUT AGREEMENT.—The term 'bout agreement' means a contract between a promoter and a boxer which requires the boxer to participate in a professional boxing match with a designated opponent on a particular date.

"(2) BOXER.—The term 'boxer' means an individual who fights in a professional boxing match.

"(3) BOXING COMMISSION.—The term 'boxing commission' means an entity authorized

under State or tribal law to regulate professional boxing matches.

"(4) BOXER REGISTRY.—The term 'boxer registry' means any entity certified by the Association of Boxing Commissions for the purposes of maintaining records and identification of boxers.

"(5) BOXING SERVICE PROVIDER.—The term 'boxing service provider' means a promoter, manager, sanctioning body, licensee, or matchmaker.

"(6) CONTRACT PROVISION.—The term 'contract provision' means any legal obligation between a boxer and a boxing service provider.

"(7) INDIAN LANDS; INDIAN TRIBE.—The terms 'Indian lands' and 'Indian tribe' have the meanings given those terms by paragraphs (4) and (5), respectively, of section 4 of the Indian Gaming Regulatory Act (25 U.S.C. 2703).

"(8) LICENSEE.—The term 'licensee' means an individual who serves as a trainer, second, or cut man for a boxer.

"(9) LOCAL BOXING AUTHORITY.—The term 'local boxing authority' means—

"(A) any agency of a State, or of a political subdivision of a State, that has authority under the laws of the State to regulate professional boxing; and

"(B) any agency of an Indian tribe that is authorized by the Indian tribe or the governing body of the Indian tribe to regulate professional boxing on Indian lands.

"(10) MANAGER.—The term 'manager' means a person who, under contract, agreement, or other arrangement with a boxer, undertakes to control or administer, directly or indirectly, a boxing-related matter on behalf of that boxer, including a person who is a booking agent for a boxer.

"(11) MATCHMAKER.—The term 'matchmaker' means a person that proposes, selects, and arranges the boxers to participate in a professional boxing match.

"(12) PHYSICIAN.—The term 'physician' means a doctor of medicine legally authorized to practice medicine by the State in which the physician performs such function or action.

"(13) PROFESSIONAL BOXING MATCH.—The term 'professional boxing match' means a boxing contest held in the United States between individuals for financial compensation. The term 'professional boxing match' term does not include a boxing contest that is regulated by a duly recognized amateur sports organization, as approved by the Administration.

"(14) PROMOTER.—The term 'promoter' means the person primarily responsible for organizing, promoting, and producing a professional boxing match. The term 'promoter' does not include a hotel, casino, resort, or other commercial establishment hosting or sponsoring a professional boxing match unless—

"(A) the hotel, casino, resort, or other commercial establishment is primarily responsible for organizing, promoting, and producing the match; and

"(B) there is no other person primarily responsible for organizing, promoting, and producing the match.

"(15) PROMOTIONAL AGREEMENT.—The term 'promotional agreement' means a contract between a promoter and a boxer under which the boxer grants to a promoter the exclusive right to secure and arrange all professional boxing matches requiring the boxer's services for—

"(A) a prescribed period of time; or

"(B) a prescribed number of professional boxing matches.

"(16) STATE.—The term 'State' means each of the 50 States, Puerto Rico, the District of Columbia, and any territory or possession of

the United States, including the Virgin Islands.

“(17) **EFFECTIVE DATE OF THE CONTRACT.**—The term ‘effective date of the contract’ means the day upon which a boxer becomes legally bound by the contract.

“(18) **SANCTIONING ORGANIZATION.**—The term ‘sanctioning organization’ means an organization, other than a boxing commission, that sanctions professional boxing matches, ranks professional boxers, or charges a sanctioning fee for professional boxing matches in the United States—

“(A) between boxers who are residents of different States; or

“(B) that are advertised, otherwise promoted, or broadcast (including closed circuit television) in interstate commerce.

“(19) **SUSPENSION.**—The term ‘suspension’ includes within its meaning the revocation of a boxing license.

“(20) **TRIBAL ORGANIZATION.**—The term ‘tribal organization’ has the same meaning as in section 4(l) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(1)).

“(21) **UNITED STATES BOXING ADMINISTRATION.**—The terms ‘United States Boxing Administration’ and ‘Administration’ means the United States Boxing Administration established by section 202.”

(b) **CONFORMING AMENDMENT.**—Section 21 (15 U.S.C. 6312) is amended to read as follows:

**“SEC. 21. PROFESSIONAL BOXING MATCHES CONDUCTED ON INDIAN LANDS.**

(a) **IN GENERAL.**—Notwithstanding any other provision of law, an Indian tribe shall establish a boxing commission—

“(1) to regulate professional boxing matches held within the reservation under the jurisdiction of that tribal organization; and

“(2) to carry out that regulation or enter into a contract with a boxing commission to carry out that regulation.

“(b) **STANDARDS AND LICENSING.**—If a tribal organization regulates professional boxing matches pursuant to subsection (a), the tribal organization shall, by tribal ordinance or resolution, establish and provide for the implementation of health and safety standards, licensing requirements, and other requirements relating to the conduct of professional boxing matches that are at least as restrictive as—

“(1) the otherwise applicable standards and requirements of a State in which the Indian lands are located; or

“(2) the most recently published version of the recommended regulatory guidelines published by the United States Boxing Administration.”

**SEC. 103. PURPOSES.**

Section 3(2) (15 U.S.C. 6302(2)) is amended by striking ‘State’.

**SEC. 104. MATCHES IN JURISDICTIONS WITHOUT COMMISSIONS.**

(a) **IN GENERAL.**—Section 4 (15 U.S.C. 6303) is amended to read as follows:

**“SEC. 4. BOXING MATCHES IN JURISDICTIONS WITHOUT BOXING COMMISSIONS.**

“(a) **IN GENERAL.**—No person may arrange, promote, organize, produce, or fight in a professional boxing match in a State or on Indian land unless the match—

“(1) is approved by the United States Boxing Administration; and

“(2) is supervised by a boxing commission that is a member of the Association of Boxing Commissions.

“(b) **APPROVAL PRESUMED.**—For purposes of subsection (a), the Administration shall be presumed to have approved any match other than—

“(1) a match with respect to which the Administration has notified the supervising boxing commission that it does not approve;

“(2) a match advertised to the public as a championship match; or

“(3) a match scheduled for 10 rounds or more.

“(c) **NOTIFICATION; ASSURANCES.**—Each promoter who intends to hold a professional boxing match in a State that does not have a boxing commission shall, not later than 14 days before the intended date of that match, provide in writing to the Administration and the supervising boxing commission, assurances that all applicable requirements of this Act will be met with respect to that professional boxing match.”

(b) **CONFORMING AMENDMENT.**—Section 19 (15 U.S.C. 6310) is repealed.

**SEC. 105. SAFETY STANDARDS.**

Section 5 (15 U.S.C. 6304) is amended—

(1) by striking “requirements or an alternative requirement in effect under regulations of a boxing commission that provides equivalent protection of the health and safety of boxers;” and inserting “requirements;”;

(2) by adding at the end of paragraph (1) “The examination shall include testing for infectious diseases in accordance with standards established by the Administration.”;

(3) by striking paragraph (2) and inserting the following:

“(2) An ambulance continuously present on site.”;

(4) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively, and inserting after paragraph (2) the following:

“(3) Emergency medical personnel with appropriate resuscitation equipment continuously present on site.”; and

(5) by striking “match.” in paragraph (5), as redesignated, and inserting “match in an amount prescribed by Administration.”

**SEC. 106. REGISTRATION.**

Section 6 (15 U.S.C. 6305) is amended—

(1) by inserting “or Indian tribe” after “State” the second place it appears in subsection (a)(2);

(2) by striking the first sentence of subsection (c) and inserting “A boxing commission shall, in accordance with requirements established by the United States Boxing Administration, make a health and safety disclosure to a boxer when issuing an identification card to that boxer.”;

(3) by striking “should” in the second sentence of subsection (c) and inserting “shall, at a minimum.”; and

(4) by adding at the end the following:

“(d) **COPY OF REGISTRATION TO BE SENT TO USB.**—A boxing commission shall furnish a copy of each registration received under subsection (a) to the United States Boxing Administration.”

**SEC. 107. REVIEW.**

Section 7 (15 U.S.C. 6306) is amended—

(1) by striking paragraphs (3) and (4) of subsection (a) and inserting the following:

“(3) Procedures to review a summary suspension when a hearing before the boxing commission is requested by a boxer, licensee, manager, matchmaker, promoter, or other boxing service provider which provides an opportunity for that person to present evidence.”;

(2) by striking subsection (b); and

(3) by striking “(a) PROCEDURES.”

**SEC. 108. REPORTING.**

Section 8 (15 U.S.C. 6307) is amended—

(1) by striking “48 business hours” and inserting “2 business days”; and

(2) by striking “each boxer registry.” and inserting “the United States Boxing Administration.”

**SEC. 109. CONTRACT REQUIREMENTS.**

Section 9 (15 U.S.C. 6307a) is amended to read as follows:

**“SEC. 9. CONTRACT REQUIREMENTS.**

“(a) **IN GENERAL.**—The United States Boxing Administration, in consultation with the

Association of Boxing Commissions, shall develop guidelines for minimum contractual provisions that should be included in bout agreements and boxer-manager contracts. Each boxing commission shall ensure that these minimal contractual provisions are present in any such agreement or contract submitted to it.

“(b) **FILING REQUIREMENT.**—A boxing commission may not approve a professional boxing match unless a copy of the bout agreement related to that match has been filed with it.

“(c) **BOND OR OTHER SURETY.**—A boxing commission may not approve a professional boxing match unless the promoter of that match has posted a surety bond, cashier's check, letter of credit, cash, or other security with the boxing commission in an amount acceptable to the boxing commission and the Administration.”

**SEC. 110. COERCIVE CONTRACTS.**

Section 10 (15 U.S.C. 6307b) is amended—

(1) by striking paragraph (3) of subsection (a);

(2) by inserting “or elimination” after “mandatory” in subsection (b).

**SEC. 111. SANCTIONING ORGANIZATIONS.**

(a) **IN GENERAL.**—Section 11 (15 U.S.C. 6307c) is amended—

(1) by striking subsection (a) and inserting the following:

“(a) **OBJECTIVE CRITERIA.**—Within 1 year after the date of enactment of the Professional Boxing Amendments Act of 2002, the United States Boxing Administration, in consultation with the Association of Boxing Commissions, shall develop guidelines for objective and consistent written criteria for the rating of professional boxers which shall include the athletic merits of the boxers. Within 90 days after the Administration's promulgation of the guidelines, each sanctioning organization shall adopt the guidelines and follow them.”;

(2) by striking so much of subsection (b) as precedes paragraph (1) and inserting the following:

“(b) **APPEALS PROCESS.**—If a sanctioning organization receives a request from a boxer questioning that organization's rating of the boxer, it shall (except to the extent otherwise required by the United States Boxing Administration), within 7 days after receiving the request—”;

(3) by inserting “rating” before “criteria” in subsection (b)(1);

(4) by striking “and” after the semicolon in subsection (c)(1);

(5) by striking “an association to which at least a majority of the State boxing commissions belong.” in subsection (c)(2) and inserting “the boxer and the Administration.”;

(6) by adding at the end of subsection (c) the following:

“(3) provides the boxer an opportunity to appeal the ratings change; and

“(4) applies the objective criteria for ratings required under subsection (a) in considering any such appeal.”; and

(7) by striking “rating;” in subsection (d)(1)(C) and inserting “rating, which incorporates the objective criteria for ratings required under subsection (a);”

(b) **TECHNICAL AMENDMENT.**—Section 11(d)(1) (15 U.S.C. 6307c(d)(1)) is amended by striking “ABC—” and inserting “Association of Boxing Commissions—”

**SEC. 112. REQUIRED DISCLOSURES BY SANCTIONING ORGANIZATIONS.**

Section 12 (15 U.S.C. 6307d) is amended—

(1) by striking the matter preceding paragraph (1) and inserting “Within 7 days after a professional boxing match of 10 rounds or more, the sanctioning organization for that match shall provide to the boxing commission in the State or on the Indian lands responsible for regulating the match a statement of—”;

(2) by striking "will assess" in paragraph (1) and inserting "has assessed, or will assess,"; and

(3) by striking "will receive" in paragraph (2) and inserting "has received, or will receive,".

### SEC. 113. REQUIRED DISCLOSURES BY PROMOTERS.

Section 13 (15 U.S.C. 6307e) is amended—

(1) by striking the matter in subsection (a) preceding paragraph (1) and inserting the following:

"(a) DISCLOSURES TO THE BOXING COMMISSIONS.—Within 7 days after a professional boxing match of 10 rounds or more, the promoter of any boxer participating in that match shall provide to the boxing commission in the State responsible for regulating the match and the Administration—";

(2) by striking "writing," in subsection (a)(1) and inserting "writing, other than a bout agreement previously provided to the commission,";

(3) by striking "all fees, charges, and expenses that will be" in subsection (a)(3)(A) and inserting "a statement of all fees, charges, and expenses that have been, or will be,";

(4) by striking the matter in subsection (b) following "BOXER.—" and preceding paragraph (1) and inserting "Within 7 days after a professional boxing match of 10 rounds or more, the promoter of any boxer participating in that match with whom the promoter has a promotional agreement shall provide to each boxer participating in the match—"; and

(5) by striking "match;" in subsection (b)(1) and inserting "match, or that the promoter has paid, or agreed to pay, to any other person in connection with the match;".

### SEC. 114. CONFIDENTIALITY.

Section 15 (15 U.S.C. 6307g) is repealed.

### SEC. 115. JUDGES AND REFEREES.

(a) IN GENERAL.—Section 16 (15 U.S.C. 6307h) is amended—

(1) by inserting "(a) LICENSING AND ASSIGNMENT REQUIREMENT.—" before "No person";

(2) by inserting "or Indian lands" after "State"; and

(3) by adding at the end the following:

"(b) CHAMPIONSHIP AND 10-ROUND BOUTS.—In addition to the requirements of subsection (a), no person may arrange, promote, organize, produce, or fight in a professional boxing match advertised to the public as a championship match or in a professional boxing match scheduled for 10 rounds or more unless all referees and judges participating in the match have been licensed by the United States Boxing Administration.

"(c) SANCTIONING ORGANIZATION TO PROVIDE LIST.—A sanctioning organization—

"(1) shall provide a list of judges and referees deemed qualified by that organization to a boxing commission; but

"(2) may not influence, or attempt to influence, a boxing commission's selection of a judge or referee for a professional boxing match except by providing such a list.

"(d) ASSIGNMENT OF NONRESIDENT JUDGES AND REFEREES.—A boxing commission may assign judges and referees who reside outside that commission's State or tribal land if the judge or referee is licensed by a boxing commission.

"(e) REQUIRED DISCLOSURE.—A judge or referee shall provide to the boxing commission responsible for regulating a professional boxing match in a State or on Indian lands a statement of all consideration, including reimbursement for expenses, that the judge or referee has received, or will receive, from any source for participation in the match. If the match is scheduled for 10 rounds or more, the judge or referee shall also provide such a statement to the Administration."

(b) CONFORMING AMENDMENTS.—

(1) Section 14 (15 U.S.C. 6307f) is repealed.

(2) Section 18(b)(2) (15 U.S.C. 6309(b)(2)) is amended by striking "14,".

### SEC. 116. MEDICAL REGISTRY.

The Act is amended by inserting after section 13 (15 U.S.C. 6307e) the following:

#### "SEC. 14. MEDICAL REGISTRY.

"(a) IN GENERAL.—The Administration, in consultation with the Association of Boxing Commissions, shall establish and maintain, or certify a third party entity to establish and maintain, a medical registry that contains comprehensive medical records and medical suspensions for every licensed boxer.

"(b) CONTENT; SUBMISSION.—The Administration shall determine—

"(1) the nature of medical records and medical suspensions of a boxer that are to be forwarded to the medical registry; and

"(2) the time within which the medical records and medical suspensions are to be submitted to the medical registry.

"(c) CONFIDENTIALITY.—The Administration shall establish confidentiality standards for the disclosure of personally identifiable information to sanctioning organizations that will—

"(1) protect the health and safety of boxers by making relevant information available to the organizations for use but not public disclosure; and

"(2) ensure that the privacy of the boxers is protected."

### SEC. 117. RECOGNITION OF TRIBAL LAW.

Section 22 (15 U.S.C. 6313) is amended—

(1) by insert "OR TRIBAL" in the section heading after "STATE"; and

(2) by inserting "or Indian tribe" after "State".

### SEC. 118. ESTABLISHMENT OF UNITED STATES BOXING ADMINISTRATION.

The Act is amended by adding at the end the following:

#### "TITLE II—UNITED STATES BOXING ADMINISTRATION

"Sec. 201. Purpose.

"Sec. 202. Establishment of United States Boxing Administration.

"Sec. 203. Functions.

"Sec. 204. Licensing and registration of boxing personnel.

"Sec. 205. National registry of boxing personnel.

"Sec. 206. Consultation requirements.

"Sec. 207. Misconduct.

"Sec. 208. Noninterference with local boxing authorities.

"Sec. 209. Assistance from other agencies.

"Sec. 210. Reports.

"Sec. 211. Initial implementation.

"Sec. 212. Authorization of appropriations.

#### "SEC. 201. PURPOSE.

"The purpose of this title is to protect the health and safety of boxers and to ensure fairness in the sport.

#### "SEC. 202. ESTABLISHMENT OF UNITED STATES BOXING ADMINISTRATION.

"The United States Boxing Administration is established as an administration of the Department of Labor.

"(b) ADMINISTRATOR.—

"(1) APPOINTMENT.—The Administration shall be headed by an Administrator, appointed by the President, by and with the advice and consent of the Senate.

"(2) QUALIFICATIONS.—The Administrator shall be—

"(A) an individual with experience in a field directly related to professional sports; and

"(B) selected on the basis of the individual's training, experience, and qualifications and without regard to party affiliation.

"(3) COMPENSATION.—Section 5315 of title 5, United States Code, is amended by adding at the end the following:

"The Administrator of the United States Boxing Administration."

"(c) ASSISTANT ADMINISTRATOR; GENERAL COUNSEL.—The Administration shall have an Assistant Administrator and a General Counsel, who shall be appointed by the Administrator. The Assistant Administrator shall—

"(1) serve as Administrator in the absence of the Administrator or in the event of a vacancy in that office; and

"(2) carry out such duties as the Administrator may assign.

"(d) STAFF.—The Administration shall have such additional staff as may be necessary to carry out the functions of the Administration.

#### "SEC. 203. FUNCTIONS.

"(a) PRIMARY FUNCTION.—The primary function of the Administration is to protect the health, safety, and general interests of boxers consistent with the provisions of this Act.

"(b) SPECIFIC FUNCTIONS.—The Administrator shall—

"(1) administer title I of this Act;

"(2) except as otherwise determined by the Administration, oversee all professional boxing matches in the United States;

"(3) work with sanctioning organizations, the Association of Boxing Commissions, and the boxing commissions of the several States and tribal organizations—

"(A) to improve the safety, integrity, and professionalism of professional boxing in the United States;

"(B) to enhance physical, medical, financial, and other safeguards established for the protection of professional boxers; and

"(C) to improve the status and standards of professional boxing in the United States;

"(4) ensure, through the Attorney General, the Federal Trade Commission, and other appropriate officers and agencies of the Federal government, that Federal and State laws applicable to professional boxing matches in the United States are vigorously, effectively, and fairly enforced;

"(5) review local boxing authority regulations for professional boxing and provide assistance to such authorities in meeting minimum standards prescribed by the Administration under this title;

"(6) serve as the coordinating body for all efforts in the United States to establish and maintain uniform minimum health and safety standards for professional boxing;

"(7) if the Administrator determines it to be appropriate, publish a newspaper, magazine, or other publication consistent with the purposes of the Administration;

"(8) procure the temporary and intermittent services of experts and consultants to the extent authorized by section 3109(b) of title 5, United States Code, at rates the Administration determines to be reasonable; and

"(9) take any other action that is necessary and proper to accomplish the purpose of this title consistent with the provisions of this title.

"(c) PROHIBITIONS.—The Administration may not—

"(1) promote boxing events or rank professional boxers; or

"(2) provide technical assistance to, or authorize the use of the name of the Administration by, States and Indian tribes that do not comply with requirements of the Administration.

"(d) USE OF NAME.—The Administration shall have the exclusive right to use the name 'United States Boxing Administration'. Any person who, without the permission of the Administration, uses that name or any other exclusive name, trademark, emblem, symbol, or insignia of the Administration for the purpose of inducing the sale of

any goods or services, or to promote any exhibition, performance, or sporting event, shall be subject to suit in a civil action by the Administration for the remedies provided in the Act of July 5, 1946 (commonly known as the 'Trademark Act of 1946'; 15 U.S.C. 1051 et seq.).

**"SEC. 204. LICENSING AND REGISTRATION OF BOXING PERSONNEL.**

**"(a) LICENSING.—**

**"(1) REQUIREMENT FOR LICENSE.—**No person may compete in a professional boxing match, serve as a boxing manager, boxing promoter, sanctioning organization, or broadcast a professional boxing match except as provided in a license granted to that person under this subsection.

**"(2) APPLICATION AND TERM.—**

**"(A) IN GENERAL.—**The Administration shall—

**"(i)** establish an application procedure, form, and fee;

**"(ii)** establish appropriate standards for licenses granted under this section; and

**"(iii)** issue a license to any person who, as determined by the Administration, meets the standards established by the Administration under this title.

**"(B) DURATION.—**A license issued under this section shall be for a renewable—

**"(i)** 4-year term for a boxer; and

**"(ii)** 2-year term for any other person.

**"(C) PROCEDURE.—**The Administration may issue a license under this paragraph through local boxing authorities or in a manner determined by the Administration.

**"(b) LICENSING FEES.—**

**"(1) AUTHORITY.—**The Administration may prescribe and charge fees for the licensing of persons under this title. The Administration may set, charge, and adjust varying fees on the basis of classifications of persons, functions, and events determined appropriate by the Administration.

**"(2) AMOUNTS.—**The amounts of fees prescribed for a fiscal year under this subsection shall be set at levels estimated, when set, to yield collections in any total amount that is not more than 10 percent of the total budget of the Administration for that fiscal year.

**"(3) LIMITATIONS.—**In setting and charging fees under paragraph (1), the Administration shall ensure that, to the maximum extent practicable—

**"(A)** club boxing is not adversely effected;

**"(B)** sanctioning organizations and promoters pay the largest portion of the fees; and

**"(C)** boxers pay as small a portion of the fees as is possible.

**"(4) COLLECTION.—**Fees established under this subsection may be collected through local boxing authorities or by any other means determined appropriate by the Administration. Fees paid by boxing promoters may be derived from gross receipts from professional boxing matches.

**"(5) DEPOSIT OF COLLECTIONS.—**Moneys received from fees established under this section shall be deposited as an offsetting collection in, and credited to, the account providing appropriations to carry out the functions of the Administration.

**"SEC. 205. NATIONAL REGISTRY OF BOXING PERSONNEL.**

**"(a) REQUIREMENT FOR REGISTRY.—**The Administration shall maintain a unified national computerized registry for the collection, storage, and retrieval of information related to the performance of its duties.

**"(b) CONTENTS.—**The information in the registry shall include the following:

**"(1) BOXERS.—**A list of professional boxers and data in the medical registry established under section 14 of this Act, which the Administration shall secure from disclosure in

accordance with the confidentiality requirements of section 14(c).

**"(2) OTHER PERSONNEL.—**Information (pertinent to the sport of professional boxing) on boxing promoters, boxing matchmakers, boxing managers, trainers, cut men, referees, boxing judges, physicians, and any other personnel determined by the Administration as performing a professional activity for professional boxing matches.

**"SEC. 206. CONSULTATION REQUIREMENTS.**

**"The Administration shall consult with local boxing authorities—**

**"(1)** before prescribing any regulation or establishing any standard under the provisions of this title; and

**"(2)** not less than once each year regarding matters relating to professional boxing.

**"SEC. 207. MISCONDUCT.**

**"(a) SUSPENSION AND REVOCATION OF LICENSE OR REGISTRATION.—**

**"(1) AUTHORITY.—**The Administration may, after notice and opportunity for a hearing, suspend or revoke any license issued under this title if the Administration finds that—

**"(A)** the suspension or revocation is necessary for the protection of health and safety or is otherwise in the public interest; or

**"(B)** there are reasonable grounds for belief that a standard prescribed by the Administration under this title is not being met, or that bribery, collusion, intentional losing, racketeering, extortion, or the use of unlawful threats, coercion, or intimidation have occurred in connection with a license.

**"(2) PERIOD OF SUSPENSION.—**

**"(A) IN GENERAL.—**A suspension of a license under this section shall be effective for a period determined appropriate by the Administration except as provided in subparagraph (B).

**"(B) SUSPENSION FOR MEDICAL REASONS.—**In the case of a suspension of the license of a boxer for medical reasons, the Administration may terminate the suspension at any time that a physician certifies that the boxer is fit to participate in a professional boxing match. The Administration shall prescribe the standards and procedures for accepting certifications under this subparagraph.

**"(b) INVESTIGATIONS AND INJUNCTIONS.—**

**"(1) AUTHORITY.—**The Administration may—

**"(A)** conduct any investigation that it considers necessary to determine whether any person has violated, or is about to violate, any provision of this title or any regulation prescribed under this title;

**"(B)** require or permit any person to file with it a statement in writing, under oath or otherwise as the Administration shall determine, as to all the facts and circumstances concerning the matter to be investigated;

**"(C)** in its discretion, publish information concerning any violations; and

**"(D)** investigate any facts, conditions, practices, or matters to aid in the enforcement of the provisions of this title, in the prescribing of regulations under this title, or in securing information to serve as a basis for recommending legislation concerning the matters to which this title relates.

**"(2) POWERS.—**

**"(A) IN GENERAL.—**For the purpose of any investigation under paragraph (1), or any other proceeding under this title, any officer designated by the Administration may administer oaths and affirmations, subpoena or otherwise compel the attendance of witnesses, take evidence, and require the production of any books, papers, correspondence, memorandums, or other records which the Administration considers relevant or material to the inquiry.

**"(B) WITNESSES AND EVIDENCE.—**The attendance of witnesses and the production of

any documents under subparagraph (A) may be required from any place in the United States or any State at any designated place of hearing.

**"(3) ENFORCEMENT OF SUBPOENAS.—**

**"(A) CIVIL ACTION.—**In case of contumacy by, or refusal to obey a subpoena issued to, any person, the Administration may file an action in any court of the United States within the jurisdiction of which an investigation or proceeding is carried out, or where that person resides or carries on business, to enforce the attendance and testimony of witnesses and the production of books, papers, correspondence, memorandums, and other records. The court may issue an order requiring the person to appear before the Administration to produce records, if so ordered, or to give testimony concerning the matter under investigation or in question.

**"(B) FAILURE TO OBEY.—**Any failure to obey an order issued by a court under subparagraph (A) may be punished as contempt of that Court.

**"(C) PROCESS.—**All process in any contempt case under subparagraph (A) may be served in the judicial district in which the person is an inhabitant or in which the person may be found.

**"(4) EVIDENCE OF CRIMINAL MISCONDUCT.—**

**"(A) IN GENERAL.—**No person may be excused from attending and testifying or from producing books, papers, contracts, agreements, and other records and documents before the Administration, in obedience to the subpoena of the Administration, or in any cause or proceeding instituted by the Administration, on the ground that the testimony or evidence, documentary or otherwise, required of that person may tend to incriminate the person or subject the person to a penalty or forfeiture.

**"(B) LIMITED IMMUNITY.—**No individual may be prosecuted or subject to any penalty or forfeiture for, or on account of, any transaction, matter, or thing concerning which that individual is compelled, after having claimed a privilege against self-incrimination, to testify or produce evidence, documentary or otherwise, except that the individual so testifying shall not be exempt from prosecution and punishment for perjury committed in so testifying.

**"(5) INJUNCTIVE RELIEF.—**If the Administration determines that any person is engaged or about to engage in any act or practice that constitutes a violation of any provision of this title, or of any regulation prescribed under this title, the Administration may bring an action in the appropriate district court of the United States, the United States District Court for the District of Columbia, or the United States courts of any territory or other place subject to the jurisdiction of the United States, to enjoin the act or practice, and upon a proper showing, the court shall grant without bond a permanent or temporary injunction or restraining order.

**"(6) MANDAMUS.—**Upon application of the Administration, the district courts of the United States, the United States District Court for the District of Columbia, and the United States courts of any territory or other place subject to the jurisdiction of the United States, shall have jurisdiction to issue writs of mandamus commanding any person to comply with the provisions of this title or any order of the Administration.

**"(d) INTERVENTION IN CIVIL ACTIONS.—**

**"(1) IN GENERAL.—**The Administration, on behalf of the public interest, may intervene of right as provided under rule 24(a) of the Federal Rules of Civil Procedure in any civil action relating to professional boxing filed in a United States district court.

**"(2) AMICUS FILING.—**The Administration may file a brief in any action filed in a court



of the United States on behalf of the public interest in any case relating to professional boxing.

“(e) **HEARINGS BY ADMINISTRATION.**—Hearings conducted by the Administration under this title may be public and may be held before any officer of the Administration or before a State boxing commission. The Administration shall keep appropriate records of the hearings.

**“SEC. 208. NONINTERFERENCE WITH LOCAL BOXING AUTHORITIES.**

“(a) **NONINTERFERENCE.**—Nothing in this title prohibits any local boxing authority from exercising any of its powers, duties, or functions with respect to the regulation or supervision of professional boxing or professional boxing matches to the extent not inconsistent with the provisions of this title.

“(b) **MINIMUM STANDARDS.**—Nothing in this title prohibits any local boxing authority from enforcing local standards or requirements that exceed the minimum standards or requirements promulgated by the Administration under this title.

**“SEC. 209. ASSISTANCE FROM OTHER AGENCIES.**

“Any employee of any executive department, agency, bureau, board, commission, office, independent establishment, or instrumentality may be detailed to the Administration, upon the request of the Administration, on a reimbursable or nonreimbursable basis, with the consent of the appropriate authority having jurisdiction over the employee. While so detailed, an employee shall continue to receive the compensation provided pursuant to law for the employee's regular position of employment and shall retain, without interruption, the rights and privileges of that employment.

**“SEC. 210. REPORTS.**

“(a) **ANNUAL REPORT.**—The Administration shall submit a report on its activities to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Commerce each year. The annual report shall include the following:

“(1) A detailed discussion of the activities of the Administration for the year covered by the report.

“(2) A description of the local boxing authority of each State and Indian tribe.

“(b) **PUBLIC REPORT.**—The Administration shall annually issue and publicize a report of the Administration on the progress made at Federal and State levels and on Indian lands in the reform of professional boxing and commenting on issues of continuing concern to the Administration.

“(c) **FIRST ANNUAL REPORT ON THE ADMINISTRATION.**—The first annual report under this title shall be submitted not later than 2 years after the effective date of this title.

**“SEC. 211. INITIAL IMPLEMENTATION.**

“(a) **TEMPORARY EXEMPTION.**—The requirements for licensing under this title do not apply to a person for the performance of an activity as a boxer, boxing judge, or referee, or the performance of any other professional activity in relation to a professional boxing match, if the person is licensed by a State or Indian tribe to perform that activity as of the effective date of this title.

“(b) **EXPIRATION.**—The exemption under subsection (a) with respect to a license issued by a State or Indian tribe expires on the earlier of—

“(A) the date on which the license expires; or

“(B) the date that is 2 years after the date of the enactment of this Act.

**“SEC. 212. AUTHORIZATION OF APPROPRIATIONS.**

“(a) **IN GENERAL.**—There are authorized to be appropriated for the Administration for each fiscal year such sums as may be necessary for the Administration to perform its functions for that fiscal year.

“(b) **RECEIPTS CREDITED AS OFFSETTING COLLECTIONS.**—Notwithstanding section 3302 of title 31, United States Code, any fee collected under this title—

“(1) shall be credited as offsetting collections to the account that finances the activities and services for which the fee is imposed;

“(2) shall be available for expenditure only to pay the costs of activities and services for which the fee is imposed; and

“(3) shall remain available until expended.”.

**SEC. 119. EFFECTIVE DATE.**

(a) **IN GENERAL.**—The amendments made by this Act shall take effect one year after the date of the enactment of this Act, except that the provisions of sections 202, 203, and 204 of title II of the Professional Boxing Safety Act of 1996, as added by section 118 of this Act, shall take effect on the date of enactment of this Act.

By Ms. SNOWE (for herself, Mr. BAUCUS, and Mr. BINGAMAN):

S. 2552. A bill to amend part A of title IV of the Social Security Act to give States the option to create a program that allows individuals receiving temporary assistance to needy families to obtain post-secondary or longer duration vocational education; to the Committee on Finance.

Ms. SNOWE. Mr. President, I rise today to introduce the Pathways to Self-Sufficiency Act of 2002. I am pleased to be joined in introducing this important legislation by my colleagues Senators BAUCUS and BINGAMAN.

This legislation is based upon the highly esteemed Maine program called Parents as Scholars. This program, which uses State Maintenance of Effort, (MOE), dollars to pay TANF-like benefits to those participating in post-secondary education, is a proven success in my State and is a wonderful foundation for a national effort.

We all agree that the 1996 welfare reform effort changed the face of this Nation's welfare system to focus it on work. To that end, I believe that this legislation bolsters the emphasis on “work first.” Like many of my colleagues, I agree that the shift in the focus from welfare to work was the right decision, and that work should be the top priority. However, for those TANF recipients who cannot find a good job that will put them on the road toward financial independence, education might well be the key to a successful future of self-sufficiency.

As we have seen in Maine that education has played a significant role in breaking the cycle of welfare and giving parents the skills necessary to find better paying jobs. And we all know that higher wages are the light at the end of the tunnel of public assistance.

The Pathways to Self-Sufficiency Act of 2002 provides State with the option to allow individuals receiving Federal TANF assistance to obtain post-secondary or vocational education. This legislation would give States the ability to use Federal TANF dollars to give those who are participating in vocational or post-secondary education the same assistance as they would receive if they were working.

We all know that supports like income supplements, child care subsidies, and transportation assistance among others, are essential to a TANF recipient's ability to make a successful transition to work. The same is true for those engaged in longer term educational endeavors. This assistance is especially necessary for those who are undertaking the challenge and the financial responsibility of post-secondary education, in the hopes of increasing their earning potential and employability. The goal of this program is to give participants the tools necessary to succeed into the future so that they can become, and remain, self-sufficient.

Choosing to go to college requires motivation, and graduating from college requires a great deal of commitment and work, even for someone who isn't raising children and sustaining a family. These are significant challenges, and that's even before taking into consideration the cost associated with obtaining a bachelor's degree, with a four year program at the University of Maine currently costing almost \$25,000. This legislation would provide those TANF recipients who have the ability and the will to go to college the assistance they need to sustain their families while they get a degree.

The value of promoting access to education in this manner to get people off public assistance is proven by the success of Maine's Parents as Scholars, PaS, program. Maine's PaS graduates earn a median wage of \$11.71 per hour after graduation up from a median of \$8.00 per hour prior to entering college. When compared to the \$7.50 median hourly wage of welfare leavers in Maine who have not received a post-secondary degree, PaS graduates are earning, on average, \$160 more per week. That translates into more than \$8,000 per year—a significant difference.

Furthermore, the median grade point average for PaS participants while in college was 3.4 percent, and a full 90 percent of PaS participants' GPA was over 3.0. These parents are giving their all to pull their families out of the cycle of welfare.

Recognizing that work is a priority under TANF, and building upon the successful Maine model, the Pathways to Self-Sufficiency Act requires that participants in post-secondary and vocational education also participate in work. During the first two years of their participation in these education programs, students must participate in a combination of class time, study time, employment or work experience for at least 24 hours per week, the same hourly requirement that the President proposes in his welfare reauthorization proposal.

During the second two years, for those enrolled in a four year program, the participant must work at least 15 hours in addition to class and study time, or engage in a combination of activities, including class and study

time, work or work experience, and training, for an average of 30 hours per week. And all the while, participants must maintain satisfactory academic progress as defined by their academic institution.

The bottom line is that if we expect parents to move from welfare to work and stay in the work force, we must give them the tools to find good jobs. For some people that means job training, for others that could mean dealing with a barrier like substance abuse or domestic violence, and for others, that might mean access to education that will secure them a good job and that will get them off and keep them off of welfare.

The experience of several Parents as Scholars graduates were recently captured in a publication published by the Maine Equal Justice Partners, and their experiences are testament to the fact that this program is a critically important step in moving towards self-sufficiency. In this report one PaS graduate said of her experience, "If it weren't for 'Parents as Scholars' I would never have been able to attend college, afford child care, or put food on the table. Today, I would most likely be stuck in a low-wage job I hated, barely getting by . . . I can now give my children the future they deserve."

Another said, "By earning my Bachelor's degree, I have become self sufficient. I was a waitress previously and would never have been able to support my daughter and I on the tips that I earned. I would encourage anyone to better their education if possible."

These are but a few comments from those who have benefited from access to post-secondary education. And, while these women have been able to attend college and pursue good jobs thanks to the good will and the support of the people of Maine, PaS has strained the State's budget. Giving States the option to use Federal dollars to support these participants will make a tremendous difference in their ability to sustain these programs which have proven results. In Maine, nearly 90 percent of working graduates have left TANF permanently, and isn't that our ultimate goal?

I look forward to working with my colleagues to include this legislation in the upcoming welfare reauthorization. It is a critical piece of the effort to move people from welfare to work permanently and it has been missing from the Federal program for too long.

By Mr. MURKOWSKI (for himself and Mr. STEVENS):

S. 2553. A bill to amend the Alaska Native Claims Settlement Act to provide equitable treatment of Alaska Native Vietnam Veterans, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. MURKOWSKI. Mr. President, I rise today to introduce legislation that will finally bring closure to the concerns of many Alaska Native veterans who served their country during the Vietnam war.

When the Alaska Native Claims Settlement Act, ANCSA, was signed into law by President Nixon in 1971, many Alaska Natives were serving in our military. Because of their service, many were unable to apply for Native land allotments under the Native Allotment Act, a program that was ended with the enactment of ANCSA. Alaska Natives who did not serve during the Vietnam conflict were able to apply for lands under the Native Allotment Act but those who did serve had little chance to apply under the circumstances.

I think everyone here will agree that allowing these veterans the same advantages as those who did not serve in the military during the Vietnam conflict is only fair. The main problem is that when we first addressed this inequity in 1998, the terms we set were so restrictive that presently only 60 out of a possible 1,110 veterans who could qualify even have the chance of receiving an allotment. That is a paltry 5 percent of all that could have otherwise qualified. This is simply not acceptable. My legislation addresses the restrictive terms we unknowingly set in the 1998 amendment in three ways: First, my legislation will expand the military service dates of the program so that they coincide with the official dates of the Vietnam conflict. We ought not to complicate matters by using any dates other than those that the Veteran's Administration has officially determined are within the Vietnam conflict era. Those dates are August 5, 1964 through May 7, 1975.

Secondly, my legislation will replace the current use and occupancy requirements with a simplified approval process, just like the one established under the Alaska National Interest Lands Conservation Act. By adopting the same legislative approval process that other allotment programs used, this legislation will avoid the lengthy delays, costly adjudications and burdensome requirements that Alaska Native veterans are currently facing. If we do not correct this particular problem now, many Alaska Native veterans will die before they ever have their applications approved. We cannot allow this to happen to them.

Finally, my legislation will extend the application deadline and expand the available land choices so that the Alaska Native veterans who could qualify for allotments will have the time and allotment options they need in order to participate.

I hope my colleagues will join me in making these simple, common sense changes so that this group of veterans can secure the land allotments they deserve.

## SUBMITTED RESOLUTIONS

### SENATE CONCURRENT RESOLUTION 116—TO EXPRESS THE SENSE OF THE CONGRESS REGARDING DYSPRAXIA

Ms. LANDRIEU (for herself and Mr. BREAU) submitted the following concurrent resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

S. CON. RES. 116

Whereas an estimated 1 in 20 children suffers from the developmental disorder dyspraxia;

Whereas 70 percent of those affected by dyspraxia are male;

Whereas dyspraxics may be of average or above average intelligence but are often behaviorally immature;

Whereas symptoms of dyspraxia consist of clumsiness, poor body awareness, reading and writing difficulties, speech problems, and learning disabilities, even though not all of these will apply to every dyspraxic;

Whereas there is no cure for dyspraxia, but the earlier a child is treated the greater the chance of developmental maturation;

Whereas dyspraxics may be shunned within their own peer group because they do not fit in;

Whereas most dyspraxic children are dismissed as "slow" or "clumsy" and, therefore, not properly diagnosed;

Whereas more than 50 percent of educators have never heard of dyspraxia;

Whereas education and information about dyspraxia are important to its detection and treatment; and

Whereas Congress as an institution, and members of Congress as individuals, are in unique positions to help raise the public awareness about dyspraxia: Now, therefore, be it

*Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that—*

(1) all Americans should be more informed about dyspraxia, its easily recognized symptoms, and proper treatment; and

(2) teachers, principals, and other educators should be encouraged to learn to recognize the symptoms of dyspraxia and similar disorders in the classroom so that these children will have a better chance of receiving early and effective treatment.

### SENATE RESOLUTION 274—EXPRESSING THE SENSE OF THE SENATE CONCERNING THE 2002 WORLD CUP AND CO-HOSTS REPUBLIC OF KOREA AND JAPAN

Mr. DASCHLE (for himself and Mr. LOTT) submitted the following resolution which was referred to the Committee on Foreign Relations:

S. RES. 274

Whereas the United States maintains vitally important alliances with Japan and the Republic of Korea;

Whereas the Republic of Korea and Japan will co-host the 2002 Federation International Football Association (FIFA) World Cup Korea/Japan;

Whereas the 2002 FIFA World Cup will be the first World Cup to be co-hosted by two nations;

Whereas the 2002 FIFA World Cup Korea/Japan will be the first FIFA World Cup to be held in Asia;

Whereas for 72 years, the World Cup has symbolized the assemblage of nations to celebrate fair-play, sportsmanship, and diversity of cultures;

Whereas 32 nations, including the United States, have qualified to compete from May 31 through June 30 of 2002, and will send an estimated 1,500 coaches and athletes to the Republic of Korea and Japan, making this year's World Cup the largest heretofore;

Whereas Japan and the Republic of Korea have invested significant resources to host a successful World Cup; and

Whereas the co-hosting of this international sporting event fosters cooperation and contributes to peace and stability in Northeast Asia: Now, therefore, be it

*Resolved*, That the Senate—

(1) appreciates and values the relationship between the United States and the Republic of Korea and the United States and Japan;

(2) commends 2002 FIFA World Cup organizers from Japan and the Republic of Korea for the significant preparations they have made for a successful World Cup; and

(3) recognizes and applauds the cooperation between the President of the Republic of Korea, Kim Dae-jung, and the Prime Minister of Japan, Junichiro Koizumi, in the hosting of the largest World Cup competition in the history of the sport.

#### AMENDMENTS SUBMITTED AND PROPOSED

SA 3531. Mr. LOTT submitted an amendment intended to be proposed by him to the bill H.R. 3009, to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes; which was ordered to lie on the table.

SA 3532. Mr. REED (for himself, Mr. BINGAMAN, Mr. CORZINE, and Mr. KENNEDY) submitted an amendment intended to be proposed by him to the bill H.R. 3009, supra; which was ordered to lie on the table.

SA 3533. Mr. REED submitted an amendment intended to be proposed by him to the bill H.R. 3009, supra; which was ordered to lie on the table.

SA 3534. Mr. CORZINE submitted an amendment intended to be proposed by him to the bill H.R. 3009, supra; which was ordered to lie on the table.

SA 3535. Mr. CORZINE submitted an amendment intended to be proposed by him to the bill H.R. 3009, supra; which was ordered to lie on the table.

SA 3536. Mr. HARKIN submitted an amendment intended to be proposed to amendment SA 3459 proposed by Mr. REID (for Mr. HARKIN) to the amendment SA 3401 proposed by Mr. BAUCUS (for himself and Mr. GRASSLEY) to the bill (H.R. 3009) supra; which was ordered to lie on the table.

SA 3537. Mr. CORZINE submitted an amendment intended to be proposed by him to the bill H.R. 3009, supra; which was ordered to lie on the table.

SA 3538. Mr. CORZINE submitted an amendment intended to be proposed by him to the bill H.R. 3009, supra; which was ordered to lie on the table.

SA 3539. Mr. CORZINE submitted an amendment intended to be proposed by him to the bill H.R. 3009, supra; which was ordered to lie on the table.

SA 3540. Mr. CORZINE submitted an amendment intended to be proposed by him to the bill H.R. 3009, supra; which was ordered to lie on the table.

SA 3541. Mr. HATCH submitted an amendment intended to be proposed by him to the bill H.R. 3009, supra; which was ordered to lie on the table.

SA 3542. Mr. STEVENS (for himself and Mrs. MURRAY) submitted an amendment intended to be proposed to amendment SA 3401 proposed by Mr. BAUCUS (for himself and Mr. GRASSLEY) to the bill (H.R. 3009) supra; which was ordered to lie on the table.

SA 3543. Mr. LEVIN (for himself, Mr. VOINOVICH, and Ms. STABENOW) proposed an amendment to amendment SA 3401 proposed by Mr. BAUCUS (for himself and Mr. GRASSLEY) to the bill (H.R. 3009) supra.

SA 3544. Mr. CAMPBELL proposed an amendment to the bill S. 1644, to further the protection and recognition of veterans' memorials, and for other purposes.

SA 3545. Mr. REID (for Mr. VOINOVICH (for himself, Mr. LIEBERMAN, Mr. BUNNING, Mrs. CARNAHAN, Mr. CARPER, Mr. CLELAND, Mr. CONRAD, Mr. DAYTON, Mr. JEFFORDS, Mr. KERRY, Mr. LEAHY, Mrs. LINCOLN, Mr. MILLER, Mr. THOMPSON, Mr. BOND, and Ms. COLLINS)) proposed an amendment to the bill H.R. 327, to amend chapter 35 of title 44, United States Code, for the purpose of facilitating compliance by small business concerns with certain Federal paperwork requirements, to establish a task force to examine information collection and dissemination, and for other purposes.

SA 3546. Mr. REID (for Mr. VOINOVICH) proposed an amendment to the bill H.R. 327, supra.

#### TEXT OF AMENDMENTS

SA 3531. Mr. LOTT submitted an amendment intended to be proposed by him to the bill H.R. 3009, to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes; which was ordered to lie on the table; as follows:

Strike all after the word "SEC." and insert the following:

##### FAIR WHEAT TRADE.

(a) SHORT TITLE.—This section may be cited as the "Wheat Trade Fairness Act of 2002".

(b) FINDINGS.—Congress finds the following:

(1) The Government of Canada grants the Canadian Wheat Board special monopoly rights and privileges which disadvantage United States wheat farmers and undermine the integrity of the trading system.

(2) The Canadian Wheat Board is able to take sales from United States farmers, because it—

(A) is insulated from commercial risks;

(B) benefits from subsidies;

(C) has a protected domestic market and special privileges; and

(D) has competitive advantages due to its monopoly control over a guaranteed supply of wheat.

(3) The Canadian Wheat Board is insulated from commercial risk because the Canadian Government guarantees its financial operations, including its borrowing and initial payments to farmers.

(4) The Canadian Wheat Board benefits from subsidies and special privileges, such as government-owned railcars, government-guaranteed debt, and below market borrowing costs.

(5) The Canadian Wheat Board has a competitive advantage due to its monopoly control over a guaranteed supply of wheat that Canadian farmers are required to sell to the Board, and monopoly control to export western Canadian wheat which allows the Canadian Wheat Board to enter into forward contracts without incurring commercial risks.

(6) Canada's burdensome regulatory scheme controls the varieties of wheat that can be marketed and restricts imports of United States wheat.

(7) The wheat trade problem with Canada is longstanding and affects the entire United States wheat industry by displacing sales of United States wheat domestically and in foreign markets.

(8) The acts, policies, and practices of the Government of Canada and the Canadian Wheat Board are unreasonable and burden or restrict United States wheat commerce.

(9) Since entering into the United States-Canada Free Trade Agreement, United States wheat producers have been continuously threatened by the unfair practices of the Canadian Wheat Board.

(10) The United States Department of Agriculture figures confirm that United States wheat farmers have lost domestic market share to Canadian Wheat Board imports consistently since the implementation of the United States-Canada Free Trade Agreement; and

(11) United States wheat producers are faced with low prices as a result of the Canadian Wheat Board's unfair pricing in domestic markets. United States wheat producers have experienced a steep decline in farm income, have increasing carryover stock, and face increasing indebtedness.

(c) RESPONSE TO UNFAIR TRADE PRACTICES BY CANADIAN WHEAT BOARD.—Since the United States Trade Representative made a positive finding that the practices of the Canadian Wheat Board involved subsidies, protected domestic market, and special benefits and privileges that disadvantage United States wheat farmers and infringe on the integrity of a competitive trading system, it is the sense of the Congress that United States Trade Representative should pursue multiple avenues to seek relief for U.S. wheat farmers from the wheat trading practices of the Government of Canada and the Canadian Wheat Board, including through:

(1) a thorough examination of a possible dispute settlement case against the Canadian Wheat Board in the World Trade Organization; (2) working with the North Dakota Wheat Commission and the U.S. wheat industry to examine the possibility of action under title VII of the Tariff Act of 1930 with respect to countervailing and antidumping duties against Canadian wheat; (3) in the newly launched round of the World Trade Organization, pursuing permanent reform of the Canadian Wheat Board through the development of new disciplines and rules on state trading enterprises that export agricultural goods which include—

(A) ending exclusive export rights to ensure private sector competition in markets controlled by single desk exporters;

(B) eliminating the use of government funds or guarantees to support or ensure the financial viability of single desk exporters; and

(C) establishing WTO requirements for notifying acquisition costs, export pricing, and other sales information for single desk exporters; and

(4) working with the U.S. wheat industry to identify specific impediments to U.S. wheat entering Canada and presenting these to the Canadians so as to ensure the possibility of fair, two-way trade.

SA 3532. Mr. REED (for himself, Mr. BINGAMAN, Mr. CORZINE, and Mr. KENNEDY) submitted an amendment intended to be proposed by him to the bill H.R. 3009, to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes; which was ordered to lie on the table; as follows:

Strike all after "SEC." and insert the following:

##### PROVISIONS RELATING TO SECONDARY WORKERS.

(a) CERTAIN PROVISIONS NOT TO APPLY.—Paragraphs (11) and (24) of section 221 of the Trade Act of 1974, as amended by section 111, shall not take effect.

(b) DEFINITIONS.—At the end of section 221, of the Trade Act of 1974, as amended by section 111, add the following new paragraphs:

(29) DOWNSTREAM PRODUCER.—The term “downstream producer” means a firm that performs additional, value-added production processes, including a firm that performs final assembly, finishing, or packaging of articles produced by another firm.

(30) SUPPLIER.—The term “supplier” means a firm that produces component parts for, or articles considered to be a part of, the production process for articles produced by a firm or subdivision covered by a certification of eligibility under section 231. The term “supplier” also includes a firm that provides services under contract to a firm or subdivision covered by such certification.

**SA 3533.** Mr. REED submitted an amendment intended to be proposed by him to the bill H.R. 3009, to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the matter proposed to be inserted, add the following new section:

**SEC. \_\_\_\_ PROVISIONS RELATING TO SECONDARY WORKERS.**

(a) CERTAIN PROVISIONS NOT TO APPLY.—Paragraphs (11) and (24) of section 221 of the Trade Act of 1974, as amended by section 111, shall not take effect.

(b) DEFINITIONS.—At the end of section 221, of the Trade Act of 1974, as amended by section 111, add the following new paragraphs:

(29) DOWNSTREAM PRODUCER.—The term “downstream producer” means a firm that performs additional, value-added production processes, including a firm that performs final assembly, finishing, or packaging of articles produced by another firm.

(30) SUPPLIER.—The term “supplier” means a firm that produces component parts for, or articles considered to be a part of, the production process for articles produced by a firm or subdivision covered by a certification of eligibility under section 231. The term “supplier” also includes a firm that provides services under contract to a firm or subdivision covered by such certification.

**SA 3534.** Mr. CORZINE submitted an amendment intended to be proposed by him to the bill H.R. 3009, to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes; which was ordered to lie on the table; as follows:

Strike all in the amendment, and insert in lieu thereof the following:

“Notwithstanding any other provision of this act, section 1143 of this Act shall not take effect.”

**SA 3535.** Mr. CORZINE submitted an amendment intended to be proposed by him to the bill H.R. 3009, to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the amendment, insert the following:

“Notwithstanding any other provision of this Act, section 1143 of this Act shall not take effect.”

**SA 3536.** Mr. HARKIN submitted an amendment intended to be proposed to amendment SA 3459 proposed by Mr. REID (for Mr. HARKIN) to the amendment SA 3401 proposed by Mr. BAUCUS

(for himself and Mr. GRASSLEY) to the bill (H.R. 3009) to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes; which was ordered to lie on the table; as follows:

Strike all and insert the following:

At the end of section 2102(b), insert the following:

(15) WORST FORMS OF CHILD LABOR.—The principal negotiating objectives of the United States regarding the worst forms of child labor are—

(A) to prevent distortions in the conduct of international trade caused by the use of the worst forms of child labor, in whole or in part, in the production of goods for export in international commerce; and

(B) to redress unfair and illegitimate competition based upon the use of the worst forms of child labor, in whole or in part, in the production of goods for export in international commerce, including through—

(i) promoting universal ratification and full compliance by all trading nations with ILO Convention No. 182 Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labor.

(ii) clarifying the right under Article XX(a) and (b) of GATT 1994 to enact and enforce national measures that are necessary to protect public morals and to protect animal or plant life and health, including measures that limit or ban the importation of goods or services rendered in international trade that are produced through the use of the worst forms of child labor;

(iii) ensuring that any multilateral or bilateral trade agreement that is entered into by the United States obligates all parties to such agreements to enact and enforce national laws that satisfy their international legal obligations to prevent the use of the worst forms of child labor, especially in the conduct of international trade; and

(iv) providing for strong enforcement of international and national laws that obligate all trading nations to prevent the use of the worst forms of child labor, especially in the conduct of international trade, through accessible, expeditious, and effective civil, administrative, and criminal enforcement mechanisms.

**SA 3537.** Mr. CORZINE submitted an amendment intended to be proposed by him to the bill H.R. 3009, to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the amendment, insert the following:

“Strike Section 1143, and insert in lieu thereof the following:

**“SEC. 1143. BORDER SEARCH AUTHORITY FOR CERTAIN CONTRABAND IN OUTBOUND MAIL.**

The tariff Act of 1930 is amended by inserting after section 582 the following:

**“SEC. 583. EXAMINATION OF OUTBOUND MAIL.**

“(a) EXAMINATION.—

“(1) IN GENERAL.—For purposes of ensuring compliance with the Customs laws of the United States and other laws enforced by the Customs Service, including the provisions of law described in paragraph (2), a Customs officer may, subject to the provisions of this section, require the United States Postal Service to hold, and not continue to transport, mail of domestic origin transmitted for export by the United States Postal Service and foreign mail transiting the United States that is being imported or exported by

the United States Postal Service for up to 15 days for the purpose of allowing the Customs Service to seek a warrant to search such mail.

“(2) PROVISIONS OF LAW DESCRIBED.—The provisions of law described in this paragraph are the following:

“(A) Section 5316 of title 31, United States Code (relating to reports on exporting and importing monetary instruments).

“(B) Sections 1461, 1463, 1465, and 1466 and chapter 110 of title 18, United States Code (relating to obscenity and child pornography).

“(C) Section 1003 of the Controlled Substances Import and Export Act (21 U.S.C. 953; relating to exportation of controlled substances).

“(D) The Export Administration Act of 1979 (50 U.S.C. App. 2401 et seq.).

“(E) Section 336 of the Arms Export Control Act (22 U.S.C. 2778).

“(F) The International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.).

“(b) SEARCH OF MAIL NOT SEALED AGAINST INSPECTION AND OTHER MAIL.—Mail not sealed against inspection under the Postal laws and regulations of the United States, mail which bears a customs declaration, and mail with respect to which the sender or addressee has consented in writing to search, may be searched by a customs officer.

“(c) SEARCH OF MAIL SEALED AGAINST INSPECTION.—(1) A Customs officer may require that the United States Postal Service hold, and not continue to transport, mail sealed against inspection under the postal laws and regulations of the United States, upon reasonable cause to suspect that such mail contains one or more of the following:

“(A) Monetary instruments, as defined in section 1956 of title 18, United States Code.

“(B) A weapon of mass destruction, as defined in section 2332a(b) of title 18, United States Code.

“(C) A drug or other substance listed in schedule I, II, III, or IV in section 202 of the Controlled Substances Act (21 U.S.C. 812).

“(D) National defense and related information transmitted in violation of any of sections 793 through 798 of title 18, United States Code.

“(E) Merchandise mailed in violation of section 1715 or 1716 of title 18, United States Code.

“(F) Merchandise mailed in violation of any provision of chapter 71 (relating to obscenity) or chapter 110 (relating to sexual exploitation and other abuse of children) of title 18, United States Code.

“(G) Merchandise mailed in violation of the Export Administration Act of 1979 (50 U.S.C. App. 2401 et seq.).

“(H) Merchandise mailed in violation of section 336 of the Arms Export Control Act (22 U.S.C. 2778).

“(I) Merchandise mailed in violation of the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.).

“(J) Merchandise mailed in violation of the Trading with the Enemy Act (50 U.S.C. App. 1 et seq.).

“(K) Merchandise subject to any other law enforced by the Customs Service.”

**SA 3538.** Mr. CORZINE submitted an amendment intended to be proposed by him to the bill H.R. 3009, to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the amendment, insert the following:

“Strike Section 1143, and insert in lieu thereof the following:

**"SEC. 1143. BORDER SEARCH AUTHORITY FOR CERTAIN CONTRABAND IN OUTBOUND MAIL.**

The Tariff Act of 1930 is amended by inserting after section 582 the following:

**"SEC. 583. EXAMINATION OF OUTBOUND MAIL.**

"(a) EXAMINATION.—

"(1) IN GENERAL.—For purposes of ensuring compliance with the Customs laws of the United States and other laws enforced by the Customs Service, including the provisions of law described in paragraph (2), a Customs officer may, subject to the provisions of this section, stop and search at the border, without a search warrant, mail of domestic origin transmitted for export by the United States Postal Service that is being imported or exported by the United States Postal Service that weighs in excess of 5 pounds.

"(2) PROVISIONS OF LAW DESCRIBED.—The provisions of law described in this paragraph are the following:

"(A) Section 5316 of title 31, United States Code (relating to reports on exporting and importing monetary instruments).

"(B) Sections 1461, 1463, 1465, and 1466 and chapter 110 of title 18, United States Code (relating to obscenity and child pornography).

"(C) Section 1003 of the Controlled Substances Import and Export Act (21 U.S.C. 953; relating to exportation of controlled substances).

"(D) The Export Administration Act of 1979 (50 U.S.C. App. 2401 et seq.).

"(E) Section 38 of the Arms Export Control Act (22 U.S.C. 2778).

"(F) The International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.).

"(b) SEARCH OF MAIL NOT SEALED AGAINST INSPECTION AND OTHER MAIL.—Mail not sealed against inspection under the postal laws and regulations of the United States, mail which bears a customs declaration, and mail with respect to which the sender or addressee has consented in writing to search, may be searched by a Customs officer.

"(c) SEARCH OF MAIL SEALED AGAINST INSPECTION WEIGHING IN EXCESS OF 5 POUNDS.—(1) Mail sealed against inspection under the postal laws and regulations of the United States weighing in excess of 5 pounds may be searched by a Customs officer, subject to paragraph (2), upon reasonable cause to suspect that such mail contains one or more of the following:

"(A) Monetary instruments, as defined in section 1956 of title 18, United States Code.

"(B) A weapon of mass destruction, as defined in section 2332a(b) of title 18, United States Code.

"(C) A drug or other substance listed in schedule I, II, III, or IV in section 202 of the Controlled Substances Act (21 U.S.C. 812).

"(D) National defense and related information transmitted in violation of any of sections 793 through 798 of title 18, United States Code.

"(E) Merchandise mailed in violation of section 1715 or 1716 of title 18, United States Code.

"(F) Merchandise mailed in violation of any provision of chapter 71 (relating to obscenity) or chapter 110 (relating to sexual exploitation and other abuse of children) of title 18, United States Code.

"(G) Merchandise mailed in violation of the Export Administration Act of 1979 (50 U.S.C. App. 2401 et seq.).

"(H) Merchandise mailed in violation of section 38 of the Arms Export Control Act (22 U.S.C. 2778).

"(I) Merchandise mailed in violation of the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.).

"(J) Merchandise mailed in violation of the Trading with the Enemy Act (50 U.S.C. App. 1 et seq.).

"(K) Merchandise subject to any other law enforced by the Customs Service.

"(2) No person acting under authority of paragraph (1) shall read, or authorize any other person to read, any correspondence contained in mail sealed against inspection unless prior to so reading—

"(A) a search warrant has been issued pursuant to Rule 41, Federal Rules of Criminal Procedure; or

"(B) the sender or addressee has given written authorization for such reading.

"(d) SEARCH OF MAIL SEALED AGAINST INSPECTION WEIGHING LESS THAN 5 POUNDS.—No provision of this Section shall apply to the treatment of mail sealed against inspection under the postal laws and regulations of the United States weighing less than 5 pounds."

**SA 3539.** Mr. CORZINE submitted an amendment intended to be proposed by him to the bill H.R. 3009, to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes; which was ordered to lie on the table; as follows:

Strike all in the amendment, and insert en lieu thereof the following:

"Strike Section 1143, and insert en lieu thereof the following:

**"SEC. 1143. BORDERS SEARCH AUTHORITY FOR CERTAIN CONTRABAND IN OUTBOUND MAIL.**

The Tariff Act of 1930 is amended by inserting after section 582 the following:

**"SEC. 583. EXAMINATION OF OUTBOUND MAIL.**

"(a) EXAMINATION.—

"(1) IN GENERAL.—For purposes of ensuring compliance with the Customs laws of the United States and other laws enforced by the Customs Service, including the provisions of law described in paragraph (2), a Customs officer may, subject to the provisions of this section, stop and search at the border, without a search warrant, mail of domestic origin transmitted for export by the United States Postal Service that is being imported or exported by the United States Postal Service that weighs in excess of 5 pounds.

"(2) PROVISIONS OF LAW DESCRIBED.—The provisions of law described in this paragraph are the following:

"(A) Section 5316 of title 31, United States Code (relating to reports on exporting and importing monetary instruments).

"(B) Sections 1461, 1463, 1465, and 1466 and chapter 110 of title 18, United States Code (relating to obscenity and child pornography).

"(C) Section 1003 of the Controlled Substances Import and Export Act (21 U.S.C. 953; relating to exportation of controlled substances).

"(D) The Export Administration Act of 1979 (50 U.S.C. App. 2401 et seq.).

"(E) The International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.).

"(b) SEARCH OF MAIL NOT SEALED AGAINST INSPECTION AND OTHER MAIL.—Mail not sealed against inspection under the postal laws and regulations of the United States, mail which bears a customs declaration, and mail with respect to which the sender or addressee has consented in writing to search, may be searched by a Customs officer.

"(c) SEARCH OF MAIL SEALED AGAINST INSPECTION WEIGHING IN EXCESS OF 5 POUNDS.—(1) Mail sealed against inspection under the postal laws and regulations of the United States weighing in excess of 5 pounds may be searched by a Customs officer, subject to paragraph (2), upon reasonable cause to suspect that such mail contains one or more of the following:

"(A) Monetary instruments, as defined in section 1956 of title 18, United States Code.

"(B) A weapon of mass destruction, as defined in section 2332a(b) of title 18, United States Code.

"(C) A drug or other substance listed in schedule I, II, III, or IV in section 202 of the Controlled Substances Act (21 U.S.C. 812).

"(D) National defense and related information transmitted in violation of any of sections 793 through 798 of title 18, United States Code.

"(E) Merchandise mailed in violation of section 1715 or 1716 of title 18, United States Code.

"(F) Merchandise mailed in violation of any provision of chapter 71 (relating to obscenity) or chapter 110 (relating to sexual exploitation and other abuse of children) of title 18, United States Code.

"(G) Merchandise mailed in violation of the Export Administration Act of 1979 (50 U.S.C. App. 2401 et seq.).

"(H) Merchandise mailed in violation of section 38 of the Arms Export Control Act (22 U.S.C. 2778).

"(I) Merchandise mailed in violation of the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.).

"(J) Merchandise mailed in violation of the Trading with the Enemy Act (50 U.S.C. App. 1 et seq.).

"(K) Merchandise subject to any other law enforced by the Customs Service.

"(2) No person acting under authority of paragraph (1) shall read, or authorize any other person to read, any correspondence contained in mail sealed against inspection unless prior to so reading—

"(A) a search warrant has been issued pursuant to Rule 41, Federal Rules of Criminal Procedure; or

"(B) the sender or addressee has given written authorization for such reading.

"(d) SEARCH OF MAIL SEALED AGAINST INSPECTION WEIGHING LESS THAN 5 POUNDS.—No provision of this Section shall apply to the treatment of mail sealed against inspection under the postal laws and regulations of the United States weighing less than 5 pounds."

**SA 3540.** Mr. CORZINE submitted an amendment intended to be proposed by him to the bill H.R. 3009, to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes; which was ordered to lie on the table; as follows:

Strike all in the amendment, and insert en lieu thereof the following:

"Strike Section 1143, and insert en lieu thereof the following:

**"SEC. 1143. BORDER SEARCH AUTHORITY FOR CERTAIN CONTRABAND IN OUTBOUND MAIL.**

The Tariff Act of 1930 is amended by inserting after section 582 the following:

**"SEC. 583. EXAMINATION OF OUTBOUND MAIL.**

"(a) EXAMINATION.—

"(1) IN GENERAL.—For purposes of ensuring compliance with the Customs laws of the United States and other laws enforced by the Customs Service, including the provisions of law described in paragraph (2), a Customs officer may, subject to the provisions of this section, require the United States Postal Service to hold, and not continue to transport, mail of domestic origin transmitted for export by the United States Postal Service and foreign mail transiting the United States that is being imported or exported by the United States Postal Service for up to 15 days for the purpose of allowing the Customs Service to seek a warrant to search such mail.

"(2) PROVISIONS OF LAW DESCRIBED.—The provisions of law described in this paragraph are the following:

“(A) Section 5316 of title 31, United States Code (relating to reports on exporting and importing monetary instruments).

“(B) Sections 1461, 1465, and 1466 and chapter 110 of title 18, United States Code (relating to obscenity and child pornography).

“(C) Section 1003 of the Controlled Substances Import and Export Act (21 U.S.C. 953; relating to exportation of controlled substances).

“(D) The Export Administration Act of 1979 (50 U.S.C. App. 2401 et seq.).

“(E) Section 38 of the Arms Export Control Act (22 U.S.C. 2778).

“(F) The International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.).

“(b) SEARCH OF MAIL NOT SEALED AGAINST INSPECTION AND OTHER MAIL.—Mail not sealed against inspection under the postal laws and regulations of the United States, mail which bears a customs declaration, and mail with respect to which the sender or addressee has consented in writing to search, may be searched by a Customs officer.

“(c) SEARCH OF MAIL SEALED AGAINST INSPECTION.—(1) A Customs officer may require that the United States Postal Service hold, and not continue to transport, mail sealed against inspection under the postal laws and regulations of the United States, upon reasonable cause to suspect that such mail contains one or more of the following:

“(A) Monetary instruments, as defined in section 1956 of title 18, United States code.

“(B) A weapon of mass destruction, as defined in section 2332a(b) of title 18, United States Code.

“(C) A drug or other substance listed in schedule I, II, III, or IV in section 202 of the Controlled Substances Act (21 U.S.C. 812).

“(D) National defense and related information transmitted in violation of any of sections 793 through 798 of title 18, United States Code.

“(E) Merchandise mailed in violation of section 1715 or 1716 of title 18, United States Code.

“(F) Merchandise mailed in violation of any provision of chapter 71 (relating to obscenity) or chapter 110 (relating to sexual exploitation and other abuse of children) of title 18, United States Code.

“(G) Merchandise mailed in violation of the Export Administration Act of 1979 (50 U.S.C. App. 2401 et seq.).

“(H) Merchandise mailed in violation of section 38 of the Arms Export Control Act (22 U.S.C. 2778).

“(I) Merchandise mailed in violation of the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.).

“(J) Merchandise mailed in violation of the Trading with the Enemy Act (50 U.S.C. App. 1 et seq.).

“(K) Merchandise subject to any other law enforced by the Customs Service.”

**SA 3541.** Mr. HATCH submitted an amendment intended to be proposed by him to the bill H.R. 3009, to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place insert the following:

Notwithstanding any other provision of law, the amounts appropriated by section 1304(a) of Pub. L. 97-258, as amended (31 U.S.C. 1304(a)), shall be available for a lump-sum payment of \$3.3 million to the European Communities in connection with the World Trade Organization dispute on Section 110(5) of the U.S. Copyright Act.

**SA 3542.** Mr. STEVENS (for himself and Mrs. MURRAY) submitted an

amendment intended to be proposed to amendment SA 3401 proposed by Mr. BAUCUS (for himself and Mr. GRASSLEY) to the bill (H.R. 3009) to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place insert the following new section:

#### SEC. \_\_\_\_ REVIEW OF IMPORTS.

(a) APPLICATION OF REVIEWED PRODUCTS.—In this section “reviewed imported products” shall mean those imported products with Harmonized System (HS) numbers 0302.1200.03, 0303.2200.00, 0304.1040.93, 0304.2060.06, and 0305.4100.00, and any similar product that is or may in the future be canned and is intended for human consumption.

(b) IN GENERAL.—Beginning on May 1, 2002, the amount of reviewed imported products that may be imported into the United States from any country during May, June, July and August of each year may not exceed the qualified amount, notwithstanding any provision of law to the contrary.

(b) QUALIFIED AMOUNT.—

(1) GENERAL RULE.—For purposes of this section, the term “qualified amount” means an amount that does not exceed 33 percent of the average annual amount of reviewed imported products from a country during the preceding 10-year period.

(2) ANNUAL CALCULATION.—Beginning on January 1, 2003, and each year thereafter, the Commissioner of Customs shall publish in the Federal Register—

(A) the quantity of reviewed imported products from each country for the preceding 10-year period; and

(B) the qualified amount of review imported products that can be imported from each country for the months of May, June, July, and August of that year.

(3) SPECIAL RULE FOR 2002.—Not later than 10 days after the date of enactment of this section, the Commissioner of Customs shall estimate and publish in the Federal Register the qualified amount of reviewed imported products that may be imported during May, June, July, and August of 2002.

(4) PRODUCT-FORM STANDARDIZATION.—In calculating the qualified amount for this section the Secretary shall use industry accepted recovery rates of resources used to produce reviewed imported products to ensure the qualified amount of such products being imported during May, June, July, and August is accurate relative to annual imports of the whole resource used to produce reviewed imported products.

**SA 3543.** Mr. LEVIN (for himself, Mr. VOINOVICH, and Ms. STABENOW) proposed an amendment to amendment SA 3401 proposed by Mr. BAUCUS (for himself and Mr. GRASSLEY) to the bill (H.R. 3009) to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes; as follows:

On page 228, line 21, insert after “exports” the following: “(including motor vehicles and vehicle parts)”.

**SA 3544.** Mr. CAMPBELL proposed an amendment to the bill S. 1644, to further the protection and recognition of veterans’ memorials, and for other purposes, as follows:

Strike all after the enacting clause and insert the following:

#### SECTION 1. SHORT TITLE.

This Act may be cited as the “Veterans’ Memorial Preservation and Recognition Act of 2002”.

#### SEC. 2. CRIMINAL PENALTIES FOR DESTRUCTION OF VETERANS’ MEMORIALS.

(a) IN GENERAL.—Chapter 65 of title 18, United States Code, is amended by adding at the end the following:

##### “§ 1369. Destruction of veterans’ memorials

“(a) Whoever, in a circumstance described in subsection (b), willfully injures or destroys, or attempts to injure or destroy, any structure, plaque, statue, or other monument on public property commemorating the service of any person or persons in the armed forces of the United States shall be fined under this title, imprisoned not more than 10 years, or both.

“(b) A circumstance described in this subsection is that—

“(1) in committing the offense described in subsection (a), the defendant travels or causes another to travel in interstate or foreign commerce, or uses the mail or an instrumentality of interstate or foreign commerce; or

“(2) the structure, plaque, statue, or other monument described in subsection (a) is located on property owned by, or under the jurisdiction of, the Federal Government.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 65 of title 18, United States Code, is amended by adding at the end the following:

“1369. Destruction of veterans’ memorials.”.

#### SEC. 3. HIGHWAY SIGNS RELATING TO VETERANS CEMETERIES.

(a) IN GENERAL.—Notwithstanding the terms of any agreement entered into by the Secretary of Transportation and a State under section 109(d) or 402(a) of title 23, United States Code, a veterans cemetery shall be treated as a site for which a supplemental guide sign may be placed on any Federal-aid highway.

(b) APPLICABILITY.—Subsection (a) shall apply to an agreement entered into before, on, or after the date of the enactment of this Act.

**SA 3545.** Mr. REID (for Mr. VOINOVICH (for himself, Mr. LIEBERMAN, Mr. BUNNING, Mrs. CARNAHAN, Mr. CARPER, Mr. CLELAND, Mr. CONRAD, Mr. DAYTON, Mr. JEFFORDS, Mr. KERRY, Mr. LEAHY, Mrs. LINCOLN, Mr. MILLER, Mr. THOMPSON, Mr. BOND, and Ms. COLLINS)) proposed an amendment to the bill H.R. 327, to amend chapter 35 of title 44, United States Code, for the purpose of facilitating compliance by small business concerns with certain Federal paperwork requirements, to establish a task force to examine information collection and dissemination, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

#### SECTION 1. SHORT TITLE.

This Act may be cited as the “Small Business Paperwork Relief Act of 2002”.

#### SEC. 2. FACILITATION OF COMPLIANCE WITH FEDERAL PAPERWORK REQUIREMENTS.

(a) REQUIREMENTS APPLICABLE TO THE DIRECTOR OF OMB.—Section 3504(c) of title 44, United States Code (commonly referred to as the “Paperwork Reduction Act”), is amended—

(1) in paragraph (4), by striking “; and” and inserting a semicolon;

(2) in paragraph (5), by striking the period and inserting a semicolon; and



(3) by adding at the end the following:

“(6) publish in the Federal Register and make available on the Internet (in consultation with the Small Business Administration) on an annual basis a list of the compliance assistance resources available to small businesses, with the first such publication occurring not later than 1 year after the date of enactment of the Small Business Paperwork Relief Act of 2002.”.

(b) ESTABLISHMENT OF AGENCY POINT OF CONTACT.—Section 3506 of title 44, United States Code, is amended by adding at the end the following:

“(i)(1) In addition to the requirements described in subsection (c), each agency shall, with respect to the collection of information and the control of paperwork, establish 1 point of contact in the agency to act as a liaison between the agency and small business concerns (as defined in section 3 of the Small Business Act (15 U.S.C. 632)).

“(2) Each point of contact described under paragraph (1) shall be established not later than 1 year after the date of enactment of the Small Business Paperwork Relief Act of 2002.”.

(c) ADDITIONAL REDUCTION OF PAPERWORK FOR CERTAIN SMALL BUSINESSES.—Section 3506(c) of title 44, United States Code, is amended—

(1) in paragraph (2)(B), by striking “; and” and inserting a semicolon;

(2) in paragraph (3)(J), by striking the period and inserting “; and”; and

(3) by adding at the end the following:

“(4) in addition to the requirements of this chapter regarding the reduction of information collection burdens for small business concerns (as defined in section 3 of the Small Business Act (15 U.S.C. 632)), make efforts to further reduce the information collection burden for small business concerns with fewer than 25 employees.”.

### SEC. 3. ESTABLISHMENT OF TASK FORCE ON INFORMATION COLLECTION AND DISSEMINATION.

(a) IN GENERAL.—Chapter 35 of title 44, United States Code, is amended—

(1) by redesignating section 3520 as section 3521; and

(2) by inserting after section 3519 the following:

#### “§ 3520. Establishment of task force on information collection and dissemination

“(a) There is established a task force to study the feasibility of streamlining requirements with respect to small business concerns regarding collection of information and strengthening dissemination of information (in this section referred to as the ‘task force’).

“(b)(1) The Director shall determine—

“(A) subject to the minimum requirements under paragraph (2), the number of representatives to be designated under each subparagraph of that paragraph; and

“(B) the agencies to be represented under paragraph (2)(K).

“(2) After all determinations are made under paragraph (1), the members of the task force shall be designated by the head of each applicable department or agency, and include—

“(A) 1 representative of the Director, who shall convene and chair the task force;

“(B) not less than 2 representatives of the Department of Labor, including 1 representative of the Bureau of Labor Statistics and 1 representative of the Occupational Safety and Health Administration;

“(C) not less than 1 representative of the Environmental Protection Agency;

“(D) not less than 1 representative of the Department of Transportation;

“(E) not less than 1 representative of the Office of Advocacy of the Small Business Administration;

“(F) not less than 1 representative of the Internal Revenue Service;

“(G) not less than 2 representatives of the Department of Health and Human Services, including 1 representative of the Centers for Medicare and Medicaid Services;

“(H) not less than 1 representative of the Department of Agriculture;

“(I) not less than 1 representative of the Department of the Interior;

“(J) not less than 1 representative of the General Services Administration; and

“(K) not less than 1 representative of each of 2 agencies not represented by representatives described under subparagraphs (A) through (J).

“(c) The task force shall—

“(1) identify ways to integrate the collection of information across Federal agencies and programs and examine the feasibility and desirability of requiring each agency to consolidate requirements regarding collections of information with respect to small business concerns within and across agencies, without negatively impacting the effectiveness of underlying laws and regulations regarding such collections of information, in order that each small business concern may submit all information required by the agency—

“(A) to 1 point of contact in the agency;

“(B) in a single format, such as a single electronic reporting system, with respect to the agency; and

“(C) with synchronized reporting for information submissions having the same frequency, such as synchronized quarterly, semiannual, and annual reporting dates;

“(2) examine the feasibility and benefits to small businesses of publishing a list by the Director of the collections of information applicable to small business concerns (as defined in section 3 of the Small Business Act (15 U.S.C. 632)), organized—

“(A) by North American Industry Classification System code;

“(B) by industrial sector description; or

“(C) in another manner by which small business concerns can more easily identify requirements with which those small business concerns are expected to comply;

“(3) examine the savings, including cost savings, and develop recommendations for implementing—

“(A) systems for electronic submissions of information to the Federal Government; and

“(B) interactive reporting systems, including components that provide immediate feedback to assure that data being submitted—

“(i) meet requirements of format; and

“(ii) are within the range of acceptable options for each data field;

“(4) make recommendations to improve the electronic dissemination of information collected under Federal requirements;

“(5) recommend a plan for the development of an interactive Governmentwide system, available through the Internet, to allow each small business to—

“(A) better understand which Federal requirements regarding collection of information (and, when possible, which other Federal regulatory requirements) apply to that particular business; and

“(B) more easily comply with those Federal requirements; and

“(6) in carrying out this section, consider opportunities for the coordination—

“(A) of Federal and State reporting requirements; and

“(B) among the points of contact described under section 3506(i), such as to enable agencies to provide small business concerns with contacts for information collection requirements for other agencies.

“(d) The task force shall—

“(1) by publication in the Federal Register, provide notice and an opportunity for public comment on each report in draft form; and

“(2) make provision in each report for the inclusion of—

“(A) any additional or dissenting views of task force members; and

“(B) a summary of significant public comments.

“(e) Not later than 1 year after the date of enactment of the Small Business Paperwork Relief Act of 2002, the task force shall submit a report of its findings under subsection (c) (1), (2), and (3) to—

“(1) the Director;

“(2) the chairpersons and ranking minority members of—

“(A) the Committee on Governmental Affairs and the Committee on Small Business and Entrepreneurship of the Senate; and

“(B) the Committee on Government Reform and the Committee on Small Business of the House of Representatives; and

“(3) the Small Business and Agriculture Regulatory Enforcement Ombudsman designated under section 30(b) of the Small Business Act (15 U.S.C. 657(b)).

“(f) Not later than 2 years after the date of enactment of the Small Business Paperwork Relief Act of 2002, the task force shall submit a report of its findings under subsection (c) (4) and (5) to—

“(1) the Director;

“(2) the chairpersons and ranking minority members of—

“(A) the Committee on Governmental Affairs and the Committee on Small Business and Entrepreneurship of the Senate; and

“(B) the Committee on Government Reform and the Committee on Small Business of the House of Representatives; and

“(3) the Small Business and Agriculture Regulatory Enforcement Ombudsman designated under section 30(b) of the Small Business Act (15 U.S.C. 657(b)).

“(g) The task force shall terminate after completion of its work.

“(h) In this section, the term ‘small business concern’ has the meaning given under section 3 of the Small Business Act (15 U.S.C. 632).”.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 35 of title 44, United States Code, is amended by striking the item relating to section 3520 and inserting the following:

“3520. Establishment of task force on information collection and dissemination.

“3521. Authorization of appropriations.”.

### SEC. 4. REGULATORY ENFORCEMENT REPORTS.

(a) DEFINITION.—In this section, the term “agency” has the meaning given that term under section 551 of title 5, United States Code.

(b) IN GENERAL.—

(1) INITIAL REPORT.—Not later than December 31, 2003, each agency shall submit an initial report to—

(A) the chairpersons and ranking minority members of—

(i) the Committee on Governmental Affairs and the Committee on Small Business and Entrepreneurship of the Senate; and

(ii) the Committee on Government Reform and the Committee on Small Business of the House of Representatives; and

(B) the Small Business and Agriculture Regulatory Enforcement Ombudsman designated under section 30(b) of the Small Business Act (15 U.S.C. 657(b)).

(2) FINAL REPORT.—Not later than December 31, 2004, each agency shall submit a final report to the members and officer described under paragraph (1) (A) and (B).

(3) CONTENT.—The initial report under paragraph (1) shall include information with

respect to the 1-year period beginning on October 1, 2002, and the final report under paragraph (2) shall include information with respect to the 1-year period beginning on October 1, 2003, on each of the following:

(A) The number of enforcement actions in which a civil penalty is assessed.

(B) The number of enforcement actions in which a civil penalty is assessed against a small entity.

(C) The number of enforcement actions described under subparagraphs (A) and (B) in which the civil penalty is reduced or waived.

(D) The total monetary amount of the reductions or waivers referred to under subparagraph (C).

(4) **DEFINITIONS IN REPORTS.**—Each report under this subsection shall include definitions selected at the discretion of the reporting agency of the terms “enforcement actions”, “reduction or waiver”, and “small entity” as used in the report.

**SA 3546.** Mr. REID (for Mr. VOINOVICH) proposed an amendment to the bill H.R. 327, to amend chapter 35 of title 44, United States Code, for the purpose of facilitating compliance by small business concerns with certain Federal paperwork requirements, to establish a task force to examine information collection and dissemination, and for other purposes; as follows:

Amend the title so as to read: “A bill to amend chapter 35 of title 44, United States Code, for the purpose of facilitating compliance by small business concerns with certain Federal paperwork requirements, to establish a task force to examine information collection and dissemination, and for other purposes.”.

#### AUTHORITY FOR COMMITTEES TO MEET

##### COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Wednesday, May 22, 2002, at 9:30 a.m. on “Promoting Local Telecommunications Competition: The Means to Greater Broadband Deployment.”

The PRESIDING OFFICER. Without objection, it is so ordered.

##### COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to hold a hearing during the session of the Senate on Wednesday, May 22, 2002, at 9:30 a.m. in SD-106. The purpose of the hearing is to receive testimony on S.J. Res. 34, the President’s recommendation of the Yucca Mountain site for development of a repository, and the objections of the Governor of Nevada to the President’s recommendation.

The PRESIDING OFFICER. Without objection, it is so ordered.

##### COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs be authorized to meet on Wednesday, May 22, 2002, at 9:30 a.m. for a business meeting to consider pending business.

#### Agenda

##### Legislation

1. S. 2452, The National Homeland Security and Combating Terrorism Act of 2002.

2. S. 2530, A bill to amend the Inspector General Act of 1978 to establish police powers for certain Inspector General agents engaged in official duties and provide an oversight mechanism for the exercise of those powers.

3. S. 1713, The Alaska Bypass Mail, Passenger and Freight Stability Act of 2001. (Contingent upon Subcommittee action.)

4. Postal Office Naming Bills: (Contingent upon Subcommittee action.)

(a) S. 1970, A bill to designate the facility of the United States Postal Service located at 2829 Commercial Way in Rock Springs, Wyoming, as the “Teno Roncalio Post Office Building.”

(b) H.R. 3789, (House companion bill to S. 1970) An act to designate the facility of the United States Postal Service located at 2829 Commercial Way in Rock Springs, Wyoming, as the “Teno Roncalio Post Office Building.”

(c) S. 1983, A bill to designate the facility of the United States Postal Service located at 201 Main Street in Lake Placid, New York, as the “John A. ‘Jack’ Shea Post Office Building.”

(d) S. 2217, A bill to designate the facility of the United States Postal Service located at 3101 West Sunflower Avenue in Santa Ana, California, as the “Hector G. Godinez Post Office Building.”

(e) H.R. 1366, (House companion bill to S. 2217) An act to designate the facility of the United States Post Office building located at 3101 West Sunflower Avenue in Santa Ana, California, as the “Hector G. Godinez Post Office Building.”

(f) S. 2433, A bill to designate the facility of the United States Postal Service located at 1590 East Joyce Boulevard in Fayetteville, Arkansas, as the “Clarence B. Craft Post Office Building.”

(g) H.R. 4486, (House companion bill to S. 2433) An act to designate the facility of the United States Postal Service located at 1590 East Joyce Boulevard in Fayetteville, Arkansas, as the “Clarence B. Craft Post Office Building.”

(h) H.R. 1374, An act to designate the facility of the United States Postal Service located at 600 Calumet Street in Lake Linden, Michigan, as the “Philip E. Ruppe Post Office Building.”

(i) H.R. 3960, An act to designate the facility of the United States Postal Service located at 3719 Highway 4 in Jay, Florida, as the “Joseph W. Westmoreland Post Office Building.”

5. Other Matters: To authorize the issuance of a subpoena to the Executive Office of the President in connection with the Committee’s investigation regarding Enron Corp. The subpoena will seek documents relating to certain communications with or about Enron.

6. Nominations:

(a) Todd Walther Dillard, to be United States Marshal for the Superior Court of the District of Columbia;

(b) Paul A. Quander, Jr., to be Director of the District of Columbia Court Services and Offender Supervision Agency; and

(c) Robert R. Rigsby, to be an Associate Judge of the Superior Court of the District of Columbia.

##### COMMITTEE ON INDIAN AFFAIRS

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on Wednesday, May 22, 2002, at 10 a.m. in Room 485 of the Russell Senate Office Building to conduct a hearing on S. 1340, a bill to amend the Indian Land Consolidation Act to provide for probate reform with respect to trust or restricted lands.

The PRESIDING OFFICER. Without objection, it is so ordered.

##### COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Committee on Small Business and Entrepreneurship be authorized to meet during the session of the Senate for a roundtable entitled “Unleashing the Power of Entrepreneurship: Stimulating Investment in America’s Small Businesses” on Wednesday, May 22, 2002, beginning at 9:30 a.m. in room 428A of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

##### SELECT COMMITTEE ON INTELLIGENCE

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Wednesday, May 22, 2002 at 2:30 p.m. to hold a closed hearing on Intelligence Matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

##### SUBCOMMITTEE ON CONSUMER AFFAIRS

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Subcommittee on Consumer Affairs be authorized to meet on Wednesday, May 22, 2002, at 1 p.m. on evaluation of the Federal regulation of boxing.

The PRESIDING OFFICER. Without objection, it is so ordered.

##### SUBCOMMITTEE ON CRIME AND DRUGS

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Subcommittee on Crime and Drugs be authorized to meet to conduct a hearing on “Federal Cocaine Sentencing Policy” on Wednesday, May 22, 2002, at 10:30 a.m. in room 226 of the Dirksen Senate Office Building.

##### Witness List

Panel I: The Honorable Diana E. Murphy, Chair, United States Sentencing Commission, Washington, DC; and the Honorable Roscoe C. Howard, United States Attorney for the District of Columbia, Washington, DC.

Panel II: The Honorable Charles J. Hynes, District Attorney, Kings County, New York; Charles Schuster, Ph.D.,

Professor, Wayne State University, Detroit, Michigan; and William Graham Otis, Adjunct Professor of Law, George Mason University Law School, Alexandria, Virginia.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON SCIENCE, TECHNOLOGY AND SPACE

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Subcommittee on Science, Technology and Space be authorized to meet on Wednesday, May 22, 2002, at 2:30 p.m. on the Federal Research and Development Budget and National Science Foundation.

The PRESIDING OFFICER. Without objection, it is so ordered.

APPOINTMENTS

The PRESIDING OFFICER. The Chair, on behalf of the President pro tempore, pursuant to P.L. 103-227, reappoints the following individuals to the National Skill Standards Board:

Upon the recommendation of the Republican leader: Earline N. Ashley, of Mississippi, Representative of Human Resources; Ronald K. Robinson, of Mississippi, Representative of Labor.

EXTENSION OF EXPORT-IMPORT BANK AUTHORITY

Mr. REID. I ask unanimous consent the Senate proceed to H.R. 4782, recently received from the House.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 4782) to extend the authority of the Export-Import Bank until June 14, 2002.

There being no objection, the Senate proceeded to the immediate consideration of the bill.

Mr. REID. I ask unanimous consent that the bill be read a third time, passed, and the motion to reconsider be laid upon the table, without any intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 4782) was read the third time and passed.

ROBERT J. DOLE DEPARTMENT OF VETERANS AFFAIRS MEDICAL AND REGIONAL OFFICE CENTER

Mr. REID. I ask unanimous consent that we now proceed to H.R. 4608, recently received from the House.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 4608) to name the Department of Veterans Affairs Medical and Regional Office Center in Wichita, Kansas, as the "Robert J. Dole Department of Veterans Affairs Medical and Regional Office Center."

There being no objection, the Senate proceeded to the immediate consideration of the bill.

Mr. REID. I ask unanimous consent the bill be read a third time, passed,

and the motion to reconsider be laid upon the table, without intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 4608) was read the third time and passed.

BOB HOPE VETERANS CHAPEL

Mr. REID. I ask unanimous consent the Senate proceed to H.R. 4592, recently received from the House.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 4592) to name the chapel located in the national cemetery of Los Angeles, California, as the "Bob Hope Veterans Chapel."

There being no objection, the Senate proceeded to the immediate consideration of the bill.

Mr. REID. I ask consent the bill be read a third time, passed, the motion to reconsider be laid upon the table, and there be no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 4592) was read the third time and passed.

PERMISSION FOR COMMITTEES TO FILE LEGISLATIVE AND EXECUTIVE CALENDAR BUSINESS

Mr. REID. Mr. President, I ask unanimous consent the committees may file committee reported legislative and executive calendar business on Wednesday, May 29, from 11 a.m. to 1 p.m., notwithstanding the recess or adjournment of the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

MEASURE READ THE FIRST TIME—S. 2538

Mr. REID. Mr. President, S. 2538, introduced today by Senators Kennedy and others, is at the desk. I ask for its first reading.

The legislative clerk read as follows:

A bill (S. 2538) to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage.

Mr. REID. I ask for its second reading but object to my own request on behalf of the Republican side.

The PRESIDING OFFICER. Objection is heard. The bill will remain at the desk.

VETERANS' MEMORIAL PRESERVATION AND RECOGNITION ACT OF 2002

Mr. REID. I ask unanimous consent the Senate proceed to the consideration of the Calendar No. 363, S. 1644.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1644) to further the protection and recognition of veterans' memorials, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. I ask unanimous consent that the Campbell amendment in the nature of a substitute be agreed to and the bill as amended be read the third time, passed, the motion to reconsider be laid upon the table, and any statements relating to this bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 3544) was agreed to, as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Veterans' Memorial Preservation and Recognition Act of 2002".

SEC. 2. CRIMINAL PENALTIES FOR DESTRUCTION OF VETERANS' MEMORIALS.

(a) IN GENERAL.—Chapter 65 of title 18, United States Code, is amended by adding at the end the following:

“§ 1369. Destruction of veterans' memorials

“(a) Whoever, in a circumstance described in subsection (b), willfully injures or destroys, or attempts to injure or destroy, any structure, plaque, statue, or other monument on public property commemorating the service of any person or persons in the armed forces of the United States shall be fined under this title, imprisoned not more than 10 years, or both.

“(b) A circumstance described in this subsection is that—

“(1) in committing the offense described in subsection (a), the defendant travels or causes another to travel in interstate or foreign commerce, or uses the mail or an instrumentality of interstate or foreign commerce; or

“(2) the structure, plaque, statue, or other monument described in subsection (a) is located on property owned by, or under the jurisdiction of, the Federal Government.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 65 of title 18, United States Code, is amended by adding at the end the following:

“1369. Destruction of veterans' memorials.”.

SEC. 3. HIGHWAY SIGNS RELATING TO VETERANS CEMETERIES.

(a) IN GENERAL.—Notwithstanding the terms of any agreement entered into by the Secretary of Transportation and a State under section 109(d) or 402(a) of title 23, United States Code, a veterans cemetery shall be treated as a site for which a supplemental guide sign may be placed on any Federal-aid highway.

(b) APPLICABILITY.—Subsection (a) shall apply to an agreement entered into before, on, or after the date of the enactment of this Act.

The bill (S. 1644), as amended, was read the third time and passed.

SMALL BUSINESS PAPERWORK RELIEF ACT

Mr. REID. Mr. President, I ask unanimous consent that the Governmental Affairs Committee be discharged from further consideration of H.R. 327, the Small Business Paperwork Relief Act, and that the Senate proceed to its consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 327) to amend chapter 35 of title 44, United States Code, for the purpose of facilitating compliance by small businesses with certain Federal paperwork requirements, and to establish a task force to examine the feasibility of streamlining paperwork requirements applicable to small businesses.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. Mr. President, I understand that Senator VOINOVICH, Senator LIEBERMAN, and others have an amendment at the desk.

I ask unanimous consent that the amendment be agreed to, the motion to reconsider be laid upon the table, the bill, as amended, be read three times and passed; that the motion to reconsider be laid upon the table; that the title amendment, which is at the desk, be agreed to; and that any statements relating thereto be printed in the RECORD, without any intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 3545) was agreed to.

(The amendment is printed in today's RECORD under "Text of Amendments.")

The amendment (No. 3546) was agreed to, as follows:

Amend the title so as to read: "A bill to amend chapter 35 of title 44, United States Code, for the purpose of facilitating compliance by small business concerns with certain Federal paperwork requirements, to establish a task force to examine information collection and dissemination, and for other purposes."

The bill (H.R. 327), as amended, was passed.

Mr. LIEBERMAN. Mr. President. I am very pleased to support final passage of H.R. 327, the Small Business Paperwork Relief Act of 2002, with an amendment in the nature of a substitute proposed by Senator VOINOVICH and me and Senators BOND, BUNNING, CARNAHAN, CARPER, CLELAND, COLLINS, CONRAD, DAYTON, JEFFORDS, KERRY, LEAHY, LINCOLN, MILLER, AND THOMPSON.

America's small businesses are a critical part of the nation's economy and a key driver of new job growth. Small businesses face particular challenges in complying with government information-collection requirements. H.R. 327 contains several provisions to help small businesses in this area. This bill aids small businesses in understanding and complying with Federal information-collection requirements, mandates a study of how to streamline information-collection requirements for small businesses and how to strengthen the dissemination of information by the Federal Government, and directs that certain data be compiled about enforcement activities involving small entities.

Last year, Senator VOINOVICH introduced S. 1271, which is a companion bill to H.R. 327, on behalf of himself and Senators LINCOLN and LEAHY. The bill now has 13 additional cosponsors: Sen-

ators BOND, BUNNING, CARNAHAN, CARPER, CLELAND, COLLINS, CONRAD, DAYTON, JEFFORDS, KERRY, LIEBERMAN, MILLER, and THOMPSON. The Governmental Affairs Committee reported out S. 1271 on November 14, 2001, and the Senate passed the bill by unanimous consent on December 17, 2001. The House had earlier passed H.R. 327, and, following Senate action on S. 1271, I worked with Members of the Senate and the House—primarily, Senator VOINOVICH and Representatives BURTON, WAXMAN, OSE, and TIERNEY—to try and resolve differences between the House and Senate bills. These discussions were successful, resulting in a bipartisan, bicameral agreement on consensus legislation, and Senator VOINOVICH and I and other Senators are offering this consensus legislation as an amendment in the nature of a substitute to H.R. 327 for final passage by the Senate.

I thank Senator VOINOVICH and his staff for their leadership and hard work on this legislation in the Senate, and also Representatives BURTON, WAXMAN, OSE, and TIERNEY and their staffs for their leadership and hard work in the House and for working with us to reach consensus on this valuable legislation to help small businesses.

Senator VOINOVICH and I have prepared a section-by-section description of this consensus amendment, including a summary of the purposes and legislative history of this legislation, and I ask unanimous consent that it be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD as follows:

#### H.R. 327—CONSENSUS AMENDMENT, PURPOSES AND SUMMARY, SECTION-BY-SECTION DESCRIPTION, AND LEGISLATIVE HISTORY

##### I. PURPOSES AND SUMMARY

H.R. 327, as amended, helps small businesses. The bill aids small businesses in understanding and complying with Federal information-collection requirements, mandates a study of how to streamline information-collection requirements for small businesses and how to strengthen the dissemination of information by the Federal Government, and directs that certain data be compiled about enforcement activities involving small entities. The legislation includes the following provisions to help small businesses:

The Office of Management and Budget (OMB) will annually publish in the Federal Register and make available on the Internet a list of the compliance assistance resources available to small businesses.

Each agency will establish a single point of contact within the agency to serve as liaison with small business concerns with respect to the collection of information and the control of paperwork.

Each agency will make efforts to further reduce the information collection burden for very small business concerns with fewer than 25 employees.

An interagency task force will be convened to study measures to streamline information collection requirements for small businesses and to strengthen dissemination of information by the Federal Government. Among other things, the task force will identify ways to integrate the collection of information from small businesses across agencies

and programs, will make recommendations for electronic reporting and dissemination of information, and will recommend a plan for an interactive government website to help small businesses understand which federal information-collection requirements apply to its business.

Each agency will submit an initial report and final report on the number of enforcement actions in which civil penalties were assessed, the number of such actions against small entities, the number of such actions in which civil penalties were reduced or waived, and the amount of such reductions and waivers. Requiring this information will facilitate congressional oversight.

#### II. SECTION-BY-SECTION DESCRIPTION OF THE CONSENSUS AMENDMENT

##### Section 1. Short title

Section 1 of the bill provides that the Act may be cited as the "Small Business Paperwork Relief Act of 2002."

##### Section 2. Facilitation of compliance with federal paperwork requirements

Publication of list of compliance-assistance resources. Subsection (a) of section 2 of the bill adds a new paragraph to the Paperwork Reduction Act (PRA), at 44 U.S.C. §3504(c)(6). The new paragraph (6), read together with existing subsection (c), requires that, with respect to the collection of information and the control of paperwork, the Director of the Office of Management and Budget (OMB) will publish in the Federal Register and make available on the Internet a list of compliance assistance resources available to small businesses. The Director is instructed to do this in consultation with the Small Business Administration. The applicable definition of "collection of information" in the PRA, at 44 U.S.C. §3502(3), includes an agency's questions and record-keeping requirements posted to, or imposed upon, 10 or more persons to obtain information or require its disclosure. The purpose of this subsection of the bill is to provide small businesses a resource to help them quickly and efficiently find the compliance assistance they need.

Agency point of contact. Subsection (b) of section 2 of the bill adds a new subsection to the PRA, at 44 U.S.C. §3506(i), requiring that, with respect to the collection of information and the control of paperwork, each agency must establish one point of contact to act as liaison between the agency and small business concerns. The applicable definition of "agency," as set forth in the PRA at 44 U.S.C. §3502(1), includes generally any department, Government corporation, or other establishment in the executive branch, including independent regulatory agencies. The bill also makes applicable the definition of "small business concern" in the Small Business Act, at 15 U.S.C. §632. The purpose of this subsection of the bill is to establish the place in each agency that small businesses can contact when they need help with respect to information collection or the control of paperwork.

Further efforts to reduce paperwork for very small enterprises. Subsection (c) of section 2 of the amendment adds a new paragraph to the PRA, at 44 U.S.C. §3506(c)(4), requiring that, in addition to the requirements of the PRA regarding the reduction of information collection burdens for small business concerns generally, each agency must make efforts to further reduce the information collection burden for small business concerns with fewer than 25 employees.

##### Section 3. Establishment of task force on information collection and dissemination

Section 3(a) of the bill adds a new section to the PRA, at 44 U.S.C. §3520, entitled "Establishment of task force on information collection and dissemination."

Establishment of task force and statement of purposes. Subsection (a) of new 44 U.S.C. §3520 establishes a task force to study the feasibility of streamlining requirements with respect to small business concerns regarding collection of information and strengthening dissemination of information.

Selection of task force members. Subsection (b) of new 44 U.S.C. §3520 provides for the selection of individuals to serve on the task force. The Director of OMB will determine the number of representatives to be designated by each of the several departments and agencies listed in the bill (subject to the minimum requirements stated in the bill), and will also name two additional agencies that will designate representatives on the task force. The heads of those departments and agencies will select individuals to serve as members of the task force. The Director also will select a representative of the Director, who will convene and chair the task force.

Task force assignments. Paragraphs (1) through (6) of subsection (c) of new 44 U.S.C. §3520 direct the task force to do the following:

Paragraph (1)—Identify ways to integrate information collection and examine whether, and to what extent, it would be feasible and desirable to require agencies to consolidate requirements regarding collections of information within and across agencies (without negatively impacting the effectiveness of underlying laws and regulations) in order to enable each small business concern to submit required information—(A) to one point of contact in the agency, (B) in a single format, such as an electronic reporting system, or (C) with synchronized reporting for submissions having the same frequency, such as by allowing all quarterly reports to be submitted on the same date each quarter, allowing all annual reports to be submitted on the same date each year, etc.

Paragraph (2)—Examine whether, and to what extent, it would be feasible and beneficial to small businesses to the Director to publish a list of all collections of information applicable to small business concerns organized by North American Industry Classification System (NAICS) code, by industrial sector description, or in another manner by which small business concerns can more easily identify applicable requirements.

Paragraph (3)—Examine the savings and develop recommendations for implementing—(A) electronic submissions to the Federal Government, and (B) interactive reporting systems providing immediate feedback to the submitter to assure that data being submitted are appropriate.

Paragraph (4)—Make recommendations to improve the electronic dissemination of information collected under Federal requirements.

Paragraph (5)—Recommend a plan for the development of an interactive Internet-based system to allow each small business to better understand which Federal information-collection requirements (and where possible, other Federal regulatory requirements) are applicable, and to more easily comply with those requirements.

Paragraph (6)—In carrying out its responsibilities, consider opportunities for the coordination of Federal and State reporting requirements, and for the coordination among the points of contact established pursuant to the bill to enable agencies, e.g., to provide contact information at other agencies.

Notice-and-comment procedure for task force. Subsection (d) of new 44 U.S.C. §3520 requires the task force, by publication in the Federal Register, to provide notice and an opportunity for comment on each report in draft form, and to make provision in each re-

port for the inclusion of any separate views of task force members and a summary of significant public comments.

Task force reports. Subsections (e) and (f) of new 44 U.S.C. §3520 require the task force to submit its first report not later than one year after enactment of the bill and its second report not later than two years after enactment of the bill. The first report will be of the task force's findings under paragraphs (1), (2), and (3) of subsection (c) of new 44 U.S.C. §3520, and the second report will be of the task force's findings under paragraphs (4) and (5) of subsection (c) of new 44 U.S.C. §3520. (Those paragraphs (1) through (5) are summarized above.) The task force shall submit both its first and second reports to the Director of OMB, to certain committees of Congress identified in the bill, and to the Small Business and Agriculture Regulatory Enforcement Ombudsman designated under 15 U.S.C. §657(b).

Termination of task force. Subsection (g) of new 44 U.S.C. §3520 provides that the task force shall terminate upon completion of its work.

Definition of "small business concern." Subsection (h) of new 44 U.S.C. §3520 makes applicable the definition of "small business concern" in the Small Business Act, 15 U.S.C. §632.

#### Section 4. Regulatory enforcement reports

Section 4 of the bill requires that each agency shall submit an initial report and a final report on each of the following:

(A) The number of enforcement actions in which a civil penalty is assessed.

(B) The number of enforcement actions in which a civil penalty is assessed against a small entity.

(C) The number of enforcement actions described under items (A) and (B), above, in which the civil penalty is reduced or waived.

(D) The total monetary amount of the reductions or waivers referred to under item (C), above.

Each report shall include the definitions, selected at the discretion of the agency submitting the report, of the terms "enforcement actions," "reduction or waiver," and "small entity" as used in the report. This provision, recognizing that agencies have different policies governing their enforcement activities and different ways of tracking these activities, seeks to avoid placing undue reporting burdens on agencies.

The initial report shall include information with respect to the 1-year period beginning on October 1, 2002, and shall be submitted not later than December 31, 2003. The final report shall include information with respect to the 1-year period beginning on October 1, 2003, and shall be submitted not later than December 31, 2004. Each agency shall submit the initial report and the final report to certain committees of Congress identified in the bill and to the Small Business and Agriculture Regulatory Enforcement Ombudsman designated under 15 U.S.C. §657(b).

For purposes of this section, the term "agency" has the meaning under 5 U.S.C. §551, which is the definition under the Administrative Procedures Act, and agencies as so defined are required to submit the reports under this section.

#### III. LEGISLATIVE HISTORY

H.R. 327 was introduced by Rep. Dan Burton on January 31, 2001, and was referred to the Committee on Government Reform and to the Committee on Small Business. The bill now has 11 cosponsors. At the Government Reform Committee, the bill was further referred to the Subcommittee on Energy Policy, Natural Resources and Regulatory Affairs.

On March 15, 2001, H.R. 327 was brought before the Committee of the Whole House and

then before the House. A managers' amendment in the nature of a substitute was agreed to by voice vote, and then H.R. 327, as so amended, was passed by a unanimous vote of 416 to 0. On that same day, H.R. 327 was received in the Senate and referred to the Committee on Governmental Affairs.

A companion bill in the Senate, S. 1271, was introduced on July 30, 2001, by Senator Voinovich, for himself and Senators Lincoln and Leahy, and was referred to the Governmental Affairs Committee. The bill now has 13 additional cosponsors: Senators Bond, Bunning, Carnahan, Carper, Cleland, Collins, Conrad, Dayton, Jeffords, Kerry, Lieberman, Miller, and Thompson.

S. 1271 was considered by the Governmental Affairs Committee at its business meeting on November 14, 2001, where Senator Voinovich offered an amendment in the nature of a substitute, which included suggestions made by Senator Lieberman and others. The Committee adopted the amendment by voice vote and ordered the bill, as amended, favorably reported by voice vote.

On December 17, 2001, the Senate by unanimous consent agreed to a technical amendment to S. 1271 offered on behalf of Senator Lieberman and an additional amendment offered on behalf of Senator Kerry, and passed S. 1271 as so amended.

This Consensus Amendment is based primarily on the provisions of H.R. 327, as it passed the House, and the provisions of S. 1271, as it passed the Senate. Bipartisan, bicameral discussions among interested Members of the House and Senate—principally, Representatives Burton, Waxman, Ose, and Tierney and Senators Lieberman and Voinovich—yielded this consensus proposal.

Principal differences between the Consensus Amendment and the two earlier bills, S. 1271 and H.R. 327, include:

The Consensus Amendment requires that the Director of OMB publish annually a list of compliance assistance resources available to small businesses. This requirement was in S. 1271 but not in H.R. 327.

The Consensus Amendment, like H.R. 327, spells out a more detailed and extensive agenda for the task force than S. 1271 in the areas of electronic submission and dissemination of information. Also like H.R. 327, the Consensus Amendment requires the task force to issue two reports, one year after enactment and two years after enactment, whereas S. 1271 required only a single report one year after enactment.

The Consensus Amendment, like S. 1271, instructs the task force to examine the feasibility and helpfulness of publishing an annual list by the Director of OMB of information-collection requirements applicable to small business concerns, organized by North American Industrial Classification or another useful system. H.R. 327 instead included a requirement that the Director annually publish such a list.

The Consensus Amendment provides that the task force will examine whether agencies should be required to allow small businesses to synchronize reporting for submissions having the same frequency, e.g., by filing quarterly reports on the same date each quarter. S. 1271 included no corresponding provision. H.R. 327, on the other hand, provided that the task force would examine whether agencies should be required to allow submissions "on the same date." The Consensus Amendment provision is derived from H.R. 327, but is limited to submissions having the same frequency, to clarify that the provision does not include changing the frequency of periodic reports, e.g., by converting a quarterly report into an annual report so that information for the entire year could be filed "on the same date" as another annual report.

The Consensus Amendment requires the task force to publish notice and to provide an opportunity for comment on each report in draft form, and to make provision in each report for the inclusion of any separate views of task force members and a summary of significant public comments. This provision is found in neither S. 1271 nor H.R. 327.

Like S. 1271, the Consensus Amendment includes a section requiring agencies to submit reports providing data about enforcement and penalty actions against both small entities and all entities. H.R. 327 contains no such provision. The section in the Consensus Amendment is based on S. 1271, but with modifications to clarify the agencies' reporting obligations and to avoid unnecessary burden on agencies. Whereas the reports under S. 1271 would have been due one year after enactment and every two years thereafter, the Consensus Amendment provides lead time by establishing the first due date on December 31, 2003, and requires one further report due one year later. Also, the Consensus Amendment specifies the one-year reporting period to be covered by each report, and states explicitly that each agency has discretion in defining certain terms as used in the agency's reports.

Mr. VOINOVICH. Mr. President, I am pleased that today the Senate has passed H.R. 327, the Small Business Paperwork Relief Act of 2002.

As my colleagues know, small businesses are the backbone of our economy and significantly important to the fiscal health of the United States. Small businesses constitute more than 90 percent of this nation's employers, employ 53 percent of the private workforce, and create approximately 74 percent of this country's new jobs.

While on the whole, America's small business owners are successful, the numerous federal paperwork requirements that they must face, I believe, have had a negative impact on further entrepreneurial growth in the United States. There is little doubt that America's small business owners could be even more successful if they were able to devote more time and resources to their businesses instead of mountains of federal paperwork. That is why I introduced S. 1271, the Senate companion to H.R. 327, on July 30, 2001. I was pleased when the Senate passed S. 1271 on December 17, 2001.

This "good government" legislation continues the efforts on the part of Congress to streamline and reduce paperwork burdens on small businesses and help increase the productivity of American business. The Office of Management and Budget (OMB) has estimated that the federal paperwork burden is 7.2 billion hours annually, at a cost of some \$190 billion per year. Small business owners are particularly hurt by regulatory and paperwork burdens. The Small Business Administration (SBA) estimates that the costs to small businesses are a staggering \$5,100 per employee. While many of these requirements are important and necessary, the high costs of understanding them and complying with them can sometimes prevent small businesses from being able to expand or even stay afloat. In some cases, this burden can deter entrepreneurs from opening in the first place.

The Small Business Paperwork Relief Act of 2002 will help improve the ability of small business owners to understand and comply with federal regulations and paperwork mandates through the following helpful provisions:

A requirement for the Office of Management and Budget to annually publish in the Federal Register and on the Internet a list of the compliance assistance resources available to small businesses;

A requirement for each federal agency to establish a single point of contact to help small business owners fill out forms and comply with federal regulations;

A requirement for each federal agency to make further efforts to reduce paperwork for small businesses with fewer than 25 employees;

The establishment of an interagency task force to develop an interactive government web-site to help each small business owner understand which federal paperwork requirements and regulations apply to his or her business;

An amendment to the Small Business Regulatory Enforcement Fairness Act (SBREFA) to require that each agency provide information on the number of enforcement actions in which civil penalties are assessed, the number of such actions against small entities, the number of such actions in which civil penalties are reduced or waived, and the monetary amount of each reduction or waiver.

I am pleased that the Senate has taken action in considering this important legislation, and I am also pleased that the bill enjoys bipartisan support. I would particularly like to thank Senator BLACHE LINCOLN for joining me in introducing this bill. I would also thank Senators LIEBERMAN and THOMPSON for cosponsoring this legislation and for their strong leadership in advancing it through the Governmental Affairs Committee and the Senate. I would like to thank all of the other cosponsors of S. 1271, Senators BOND, BUNNING, CARNAHAN, CARPER, CLELAND, CONRAD, DAYTON, JEFFORDS, KERRY, LEAHY, and MILLER for their strong support.

I would also recognize Representatives DAN BURTON and DOUG OSE and their staffs for their strong leadership in crafting, introducing and passing this measure in the House. I would like to thank Representative HENRY WAXMAN and JOHN TIERNEY and all the members of the House of Representatives who supported this bipartisan effort.

The Bush Administration is to be commended for their support of this bill and I appreciate the valuable recommendations of the Office of Management and Budget that will make this bill more effective in helping our Nation's small business owners. It is my hope that the House of Representatives will pass this final version of this measure shortly and that we will have a final bill for the President's signature very soon.

The many business groups who have lent their support and helped us craft a solid bill are also deserving of mention, particularly: the National Federation of Independent Businesses; the U.S. Chamber of Commerce; the American Farm Bureau Federation; the Cleveland Growth Association; the Associated Builders and Contractors; the National Association of Convenience Stores; the American Feed Industry Association; the National Association of Manufacturers; the National Tooling and Machining Association; National Small Business United; the National Restaurant Association; the National Pest Management Association; the Academy of General Dentistry; the American Road and Transportation Builders Association; the Small Business Coalition for Regulatory Relief; the Small Business Legislative Council; the Small Business Survival Committee; the Agricultural Retailer Association; the Associated General Contractors; the Automotive Parts and Service Alliance; the Food Marketing Institute; the National Automobile Dealers Association; the National Business Association; the National Roofing Contractors Association; the Society of American Florists and the North American Equipment Dealers Association.

Finally, I would like to thank David Gray, a former employee of my Subcommittee staff, for all of his hard work on this legislation.

Once again, I am pleased that the Senate has acted to provide relief to small business owners. This bill will help save time and money and will allow small business owners the ability to better understand and comply with federal regulations and paperwork requirements. It is good for the country and good for our economy, and I thank my colleagues for their support in passing this bill today.

Mrs. LINCOLN. Mr. President, every once in a while this body passes legislation that just makes good common sense. Today is such an occasion. I am pleased that the Senate will vote today on the conference report on the Small Business Paperwork Relief Act, a bill that Senator VOINOVICH and I first introduced in July of 1999.

I want to thank my good friend Senator VOINOVICH for his leadership on this issue. His staff members and former staff members, David Gray, Kathleen Braun, and Kristine Simmons, put in countless hours meeting with members of the business community, firefighters and the environmental community to achieve the balance that is represented here today. I also want to thank Senator LIEBERMAN, without whose help we could not be here today. Senator LIEBERMAN, as Chairman of the Governmental Affairs Committee, steered this legislation to its final form, and Larry Novey of his staff was invaluable. Kelly Rucker Bingel of my staff worked on this bill from its inception in 1999, and I thank her for her efforts.



Since I began public service as a member of the House of Representatives in January of 1993, I have looked for opportunities to ease the regulatory burden on small businesses. They are the backbone of our economy in Arkansas.

As I said when we first introduced this bill in 1999, the federal government should be a help to small businesses, not a hindrance. We should always seek to ensure that federal policies don't place undue burdens on small business owners and tie their hands in red tape.

Small businesses are hit hardest by federal regulations. According to a recent study conducted for the Small Business Administration, "firms employing fewer than 20 employees face an annual regulatory burden of \$6,975 per employee, a burden nearly 60 percent above that facing a firm employing over 500 employees." This does not even take into account state and local government paperwork.

I have been told that federal paperwork burdens rank just behind taxes and the cost of health care as the top problems facing members of the National Federation of Independent Businesses.

This bill establishes a single point-of-contact for small businesses in each federal agency that governs small businesses. Second, it requires the OMB Director to annually publish in the Federal Register and on the Internet a list of compliance assistance resources available to small businesses. Third, it establishes a task force to determine how to streamline paperwork requirements for small businesses. It directs the task force to look at creating a single reporting format for all agencies that could be filed simultaneously and electronically. It is our hope that these steps will make it easier for businesses to access information and will allow policymakers to more easily identify and eliminate duplicative regulations.

The original version of this bill, S. 1378, from the 106th Congress, suspended civil fines on small businesses for first-time paperwork violations if they corrected their error. Our thought behind suspending fines for first-time violators was that a majority of small business owners who neglect to file a certain form are simply overwhelmed with paperwork and don't realize their error. We thought that small business owners should be given a chance to correct the problem before they were slapped with a fine. I am disappointed that this final version does not include the fine suspension, but as I often tell my constituents, we can't let the perfect be the enemy of the good. So I am delighted to see final passage of this bill.

#### APPRECIATION TO SENATOR DAYTON

Mr. REID. Mr. President, I express my appreciation to you for being so patient. It has taken many hours that we didn't anticipate to get to this point

tonight. But for your patience, we would have been in real trouble. I appreciate very much your being courteous, as always. I appreciate that very much.

#### ORDERS FOR THURSDAY, MAY 23, 2002

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until tomorrow morning, Thursday, May 23, at 9:30 a.m.; that following the prayer and pledge the Journal of proceeding be approved to date, the morning hour be deemed expired, and the time for the two leaders be reserved for their use later in the day; that there be a period for morning business until 10:30 a.m. with Senators permitted to speak therein for up to 10 minutes each, with the first half of the time under the control of the Republican leader, or his designee, and the second half under the control of the Democrat leader, or his designee; and, that at 10:30 a.m. the Senate resume consideration of the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. REID. Mr. President, there being no further business that I know of to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 9:19 p.m., adjourned until Thursday, May 23, 2002, at 9:30 a.m.

#### NOMINATIONS

Executive nominations received by the Senate May 22, 2002:

##### DEPARTMENT OF STATE

TONY P. HALL, OF OHIO, FOR THE RANK OF AMBASSADOR DURING HIS TENURE OF SERVICE AS UNITED STATES REPRESENTATIVE TO THE UNITED NATIONS AGENCIES FOR FOOD AND AGRICULTURE.

##### THE JUDICIARY

JAY S. BYBEE, OF NEVADA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE NINTH CIRCUIT, VICE PROCTER R. HUG, JR., RETIRED.

TIMOTHY J. CORRIGAN, OF FLORIDA, TO BE UNITED STATES DISTRICT JUDGE FOR THE MIDDLE DISTRICT OF FLORIDA, VICE NEW POSITION CREATED BY PUBLIC LAW 106-113, APPROVED NOVEMBER 29, 1999.

JAMES C. DEVER, III, OF NORTH CAROLINA, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF NORTH CAROLINA, VICE W. EARL BRITT, RETIRED.

##### IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

##### To be vice admiral

VICE ADM. JAMES W. METZGER, 0000

##### IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY CHAPLAIN CORPS AND FOR REGULAR APPOINTMENT UNDER TITLE 10, U.S.C., SECTIONS 531, 624 AND 3064:

##### To be major

SHAWN E. CONNORS, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY CHAPLAIN CORPS UNDER TITLE 10, U.S.C., SECTIONS 624:

##### To be colonel

JAMES E. AGNEW, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

##### To be colonel

MICHAEL J. HAMILTON, 0000  
KURT R. LAVIN, 0000  
HELEN P. SCHENCK, 0000  
MICHAEL K. WEBB, 0000  
JAMES W. YOUKER, 0000

##### IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

##### To be major

JEFFREY A. KNUDSON, 0000

##### IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

##### To be commander

GEORGE B. PARISI, 0000

THE FOLLOWING NAMED OFFICERS FOR REGULAR APPOINTMENT TO THE GRADES INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTIONS 531 AND 5582:

##### To be commander

PETER C. BONDY, 0000  
LAWRENCE E. CRIMMINS, 0000  
FRANK VERNET, 0000

##### To Be Lieutenant Commander

MOHAMAD ALSAWAF, 0000  
DOUGLAS ANDERSON III, 0000  
BRIAN D. CLEMENT, 0000  
WILLIAM J. DARNEY III, 0000  
JOHN A. DEMERS, 0000  
DOUGLAS H. DOUGHTY JR., 0000  
GARY S. GLUCK, 0000  
RICHARD A. GRAHAM, 0000  
JOSEPH W. HARMON, 0000  
DOUGLAS W. KING, 0000  
THOMAS R. LATENDRESSE, 0000  
DAVID A. LEAL, 0000  
MELINDA M. LUKEHART, 0000  
ALAN F. NORDHOLM, 0000  
IVAN C. PIERCE, 0000  
MAE M. POUGET, 0000  
BRIAN P. POWERS, 0000  
THEODORE D. SHAW, 0000  
DARCY M. SHIRLEY, 0000  
CRAIG A. STAPLETON, 0000  
PHILIP L. SUNDEL, 0000  
GARY J. WALKER, 0000

##### To be lieutenant

ROBERTO M. ALVARADO, 0000  
ROBERT A. ARMSTRONG, 0000  
STEVEN W. ASHTON, 0000  
VERA C. AUKE, 0000  
TIMOTHY M. BAGLEY, 0000  
STEPHEN D. BALK, 0000  
DANIEL J. BALSINGER, 0000  
BABAK A. BARAKAT, 0000  
BRADLEY M. BARET, 0000  
ROBERT S. BELTZ, 0000  
LAURIE A. BENNETT, 0000  
ENRIQUE C. BERNAL JR., 0000  
BRANNON S. BICKEL, 0000  
ROBERT D. BLONDIN, 0000  
SCOTT M. BOAMAN, 0000  
DRUMMOND R. BOORD, 0000  
JOEL L. BOUVE, 0000  
DANIEL B. BOZUNG, 0000  
JONATHAN J. BRADFORD, 0000  
DARRIN BRANSON, 0000  
JASON J. BRIANA, 0000  
CHARLES E. BRICE JR., 0000  
WRAY W. BRIDGER, 0000  
KENDALL G. BRIDGEWATER, 0000  
ERIC H. BRONNER, 0000  
ROBERT E. BROOKS JR., 0000  
GARY L. BROWN, 0000  
KATHERINE J. BROWN, 0000  
TIMOTHY A. BROWN, 0000  
DONALD R. BRUS, 0000  
ROBERT T. BYRANS, 0000  
SCOTT L. BUCHANAN, 0000  
CALVIN E. BUMPHUS, 0000  
CYNTHIA J. BUTLER, 0000  
ANDREW S. BYERS, 0000  
PATRICIA G. CADE, 0000  
MICHAEL B. CAIMONA, 0000  
SADYRAY M. CARINO, 0000  
BRIAN R. CARION, 0000  
BRYAN K. CARMICHAEL, 0000  
KATHERINE R. CARSON, 0000  
BRY CARTER, 0000  
ANN E. CASEY, 0000  
CHERYL C. CASEY, 0000  
JAY M. CAVAR, 0000  
JOHN D. CHOATE, 0000  
ANNA M. CHRISTENSEN, 0000  
JEREMY L. CLAUZE, 0000  
CLINTON R. CODY, 0000  
SHAWN T. COLLIER, 0000  
JONATHAN R. COLON, 0000

CHRISTINE COOKSONBURLESON, 0000  
 SHANNON M CORKILL, 0000  
 DAVID H CORNELIUS JR., 0000  
 JEFFREY E COTE, 0000  
 KEVIN A COX, 0000  
 DAVID M CRAIG, 0000  
 KARL R CUPP, 0000  
 SAMUEL J DALE, 0000  
 LUKE W DANZO, 0000  
 JASON B DARBY, 0000  
 RONALD E DAVID, 0000  
 MARGARET E C DEAN, 0000  
 WILLIAM F DEGIROLAMO, 0000  
 JASON M DENNY, 0000  
 JAY P DEWAN, 0000  
 CORBETT L DIXON, 0000  
 BRIAN K DODSON, 0000  
 KEVIN A DOHERTY, 0000  
 MATTHEW F DONAHUE, 0000  
 JASON L DOUTHIT, 0000  
 AMY L DRAYTON, 0000  
 JOHN R DROTAR, 0000  
 ADAM T DUNN, 0000  
 MARK I EDWARDS, 0000  
 LORA A EGLEY, 0000  
 MICHAEL C ELLIOT, 0000  
 TRACY L EMMERSEN, 0000  
 MICHAEL T ENNOR, 0000  
 FORD C EWALDSEN JR., 0000  
 EDWARD A FAHRENKRUG, 0000  
 PAMELA D F FAISON, 0000  
 RONALD A. FANCHER, 0000  
 DANIEL E FILLION, 0000  
 TRENT W FINGERSON, 0000  
 MICHAEL M FINN, 0000  
 ALLEN R FORD, 0000  
 TONI O FOSTER, 0000  
 ANTHONY A FRANGELLO, 0000  
 DANIEL L FREDMAN, 0000  
 STANLEY G FREEMYERS, 0000  
 CHRISTOPHER L FUSSELL, 0000  
 WILLIAM D GALLAGHER, 0000  
 HARRIS L GARCIA, 0000  
 SCOTT R GARDNER, 0000  
 ROY M GARRISON, 0000  
 CAMERON J GEERTSEMA, 0000  
 TRACEY J GENDREAU, 0000  
 CHAD A GERBER, 0000  
 MICHAEL F GESUALDO, 0000  
 SAMAN R GHARIB, 0000  
 MICHELLE A GRANT, 0000  
 NICHOLAS S GREEN, 0000  
 RYAN J GREEN, 0000  
 JONATHAN D GRUEN, 0000  
 BRIAN C GUGLIOTTA, 0000  
 CHARLES E HAMPTON, 0000  
 MICAH B HARLEY, 0000  
 BRIAN D HARP, 0000  
 CHRISTOPHER C HARRINGTON, 0000  
 GRANT I HARTFIELD, 0000  
 JAMES A HAYES, 0000  
 MELINDA K HENDERSON, 0000  
 KENT R HENDRICKS, 0000  
 SCOTT W HERMON, 0000  
 JOSE G HERNANDEZ, 0000  
 WILLIAM C HERRMANN, 0000  
 KATRINA M HICKMAN, 0000  
 KATRINA L HILL, 0000  
 DANIEL R HILLER, 0000  
 BRIAN C HOERST, 0000  
 MATTHEW G HERR, 0000  
 WILLIAM S HORTON, 0000  
 JASON M HOWELL, 0000  
 CECILIA A HUBBARD, 0000  
 JASON A HUDSON, 0000  
 CAROL B HURLEY, 0000  
 MELISSA A L HUSSEY, 0000  
 MARGARITA HUTCHENS, 0000  
 SUZETTE INZERILLO, 0000  
 MICHAEL W JACOWAY, 0000  
 CHRISTOPHER C JASON, 0000  
 MARCOS A JASSO, 0000  
 ALLISON R JOHNSON, 0000  
 DANIEL A JOHNSON, 0000  
 HOMER L JOHNSON JR., 0000  
 BENJAMIN A JONES, 0000  
 JON A JONES, 0000  
 MATTHEW T JONES, 0000  
 STEVEN A JONES, 0000  
 TROAS L JONES, 0000  
 WILLIAM R JORDAN III, 0000  
 JESSICA J JORGENSEN, 0000  
 JONATHAN C KALTWASSER, 0000  
 CINDY KANG, 0000  
 CHRISTOPHER B KASTEN, 0000  
 JOHN F KELLY III, 0000  
 JASON R KELTNER, 0000  
 RAYMOND E KENDALL, 0000  
 JEFFREY D KETCHAM, 0000  
 JAYSON E KIELAR, 0000  
 JOSHUA C KINNEAR, 0000  
 KENNETH T KLIMA JR., 0000  
 MICHAEL P KLINE, 0000  
 BRUCE KONG, 0000  
 VICKIE M KONIECZNY, 0000  
 JOEL A KORKOWSKI, 0000  
 THOMAS G KORSMO, 0000  
 CRAIG S KRAEGER, 0000  
 TIMOTHY G LAMB, 0000  
 BRANT T LANDRETH, 0000  
 JASON A LANGHAM, 0000  
 ANDRE W LANIER, 0000  
 KIM P LAVELLE, 0000  
 CHARLES D LAZAR JR., 0000  
 LUIS P LEME, 0000

IRVE C LEMOYNE JR., 0000  
 TINA L LEWIS, 0000  
 RICHARD J LINHART III, 0000  
 RYAN J LOGAN, 0000  
 CHRISTOPHER LUDMER, 0000  
 STEVEN L LUNA, 0000  
 ELAINE G LURIA, 0000  
 FRANK X MAC, 0000  
 STEVEN J MACDONALD, 0000  
 CURTIS S MACREADY, 0000  
 DAVID M MAHAN, 0000  
 JOSEPH A MARCANTEL, 0000  
 JAJA J E MARSHALL, 0000  
 ABIGAIL MARTER, 0000  
 KENNETH W MARTIN, 0000  
 THOR MARTINSEN, 0000  
 JEFFREY G MAYBERRY, 0000  
 SCOTT M MAZANKOWSKI, 0000  
 KATHY L MCCALL, 0000  
 SEAN M MCCARTHY, 0000  
 STEVEN B MCCUBBIN, 0000  
 BRADLEY J MCINNIS, 0000  
 JACK E MCKECHNIE, 0000  
 PEDRO R MERCADO JR., 0000  
 ROBERT L MERRITT, 0000  
 DANIEL N MEYERHUBER, 0000  
 JAMES C MONTGOMERY, 0000  
 JOHN S MORELL JR., 0000  
 NANCY R MOSINSKI, 0000  
 GEORGE R MURGA, 0000  
 THOMAS A MURPHY JR., 0000  
 RICHARD NALWASKY, 0000  
 CHRISTOPHER F NASH, 0000  
 CRISTOPHER P NEISH, 0000  
 TRI H NHAN, 0000  
 MARK S NIESWIADOMY, 0000  
 SHAWN M NOGA, 0000  
 MICHAEL A NORTON, 0000  
 JAMES M OBRIEN, 0000  
 JON A OCONNOR, 0000  
 MICHAEL P O'DONNELL, 0000  
 PETER J OLDMIXON, 0000  
 LEONARD Q OLIVER, 0000  
 THOMAS OLIVERO, 0000  
 CHRISTOPHER J ORNEE, 0000  
 MELINDA D PAGLIARINI, 0000  
 DOMITILLO M J PASTORIN, 0000  
 RYAN W PERRY, 0000  
 RYAN M PHILLIPS, 0000  
 NUBIA E PHILP, 0000  
 JEROME R PILEWSKI, 0000  
 DAVID S PLACE, 0000  
 STEPHEN J POPIELARZ, 0000  
 THOMAS R POULTER, 0000  
 MICHAEL E POWELL, 0000  
 STACEY A PRESCOTT, 0000  
 SHAWN M PRICE, 0000  
 IVO J PRIKASKY, 0000  
 JULIAN J PUGA, 0000  
 CHRISTOPHER A RAKOV, 0000  
 MARVIN B RATLIFF, 0000  
 DEREK E REEVES, 0000  
 ROXANA REYES, 0000  
 TED C RICCIARDELLA, 0000  
 GINO L RICE, 0000  
 SCOTT N RICHARDSON, 0000  
 MATTHEW C RIETHMILLER, 0000  
 JEREMY Y RIFAS, 0000  
 CHERYL C RINGER, 0000  
 FRANKIE RIOS, 0000  
 KEVIN S ROBERTS, 0000  
 JOHNNY V RODGERS, 0000  
 JUAN J RODRIGUEZ, 0000  
 ARMANDO A RODRIGUEZFEO, 0000  
 PHILLIP A ROGERSON, 0000  
 ALAN M ROSS, 0000  
 VALERIE K ROSS, 0000  
 SCOTT P ROSSI, 0000  
 MARC L ROULEAU, 0000  
 HARRY M RUSSELL, 0000  
 MICHAEL A SALK, 0000  
 CHRISTOPHER SAMMARRO, 0000  
 ROBERT C SANDERS, 0000  
 CHARLES A SCHLISE, 0000  
 TAMARA K SCHNURR, 0000  
 SPENCER T SCHOEN, 0000  
 ERIC A SCHUCHARD, 0000  
 EDWARD J SCHWEIGHARDT, 0000  
 STEVEN D SHADLEY, 0000  
 ARCHIBLE W SHERMAN, 0000  
 TYLER SHERWIN, 0000  
 BRIAN C SINCLAIR, 0000  
 DUSTIN H SMILEY, 0000  
 DAVID T SMITH, 0000  
 GREGORY A SMITH, 0000  
 LLOYD L SMITH, 0000  
 STEVEN J SMITH, 0000  
 CARMEN N SPALDING, 0000  
 CRAIG E SPEER, 0000  
 JASON E SPENCER, 0000  
 JONATHAN E SPORE, 0000  
 ANGELA S STANMORE, 0000  
 JAMES C STATLER, 0000  
 JASON W STEWART, 0000  
 ADAM P STOFFA, 0000  
 RAYMOND G STROMBERGER, 0000  
 MARK S STROTBEIDE, 0000  
 CHARLES W STULLER JR., 0000  
 EDWARD D SUNDBERG, 0000  
 AARON W SWENSON, 0000  
 MICHAEL SYPNIEWSKI, 0000  
 RENEE C TANAKA, 0000  
 BROOKIE C TARTAGLIA, 0000  
 KIMBERLY A TAYLOR, 0000  
 JEREMY F THOMPSON, 0000

JOSEPH P THOMPSON III, 0000  
 MARILOU THOMPSON, 0000  
 MATTHEW J THRASHER, 0000  
 LOIS A TINK, 0000  
 JOEL D M TIU, 0000  
 SHANNON K TOLLIVER, 0000  
 RICHARD M TOMS, 0000  
 ENRIQUE S TORRES, 0000  
 MATTHEW P TUCKER, 0000  
 MATTHEW M UDKOW, 0000  
 RICHARD J ULLMAN, 0000  
 DAVID F USON, 0000  
 FERNANDO J VIZCARRONDO, 0000  
 KEVIN J VOLPE, 0000  
 ROBERT L WAGSTAFF III, 0000  
 MICHEAL A WALKER, 0000  
 MARTIN C WALLACE, 0000  
 JAMES J WALLS, 0000  
 JOHN P WALSH, 0000  
 SAMUEL S WHITE, 0000  
 JEFFREY A WILLIAMS, 0000  
 SHAWN C WILSON, 0000  
 FRANCISCO I WONPAT, 0000  
 BRYAN M WORSWICK, 0000  
 THOMAS V WYANT, 0000  
 STEPHEN S WYNFIELD, 0000  
 KARL B WYVILL, 0000  
 ZARADHE M S YACH, 0000  
 DONNA I YACOVONI, 0000  
 JOSEPH W YATES, 0000  
 ROBERT A YEE, 0000  
 MICHAEL A YONKERS, 0000  
 FLORENCIO J YUZON, 0000  
 ROY M ZALETSKI, 0000  
 KEVIN P ZAYAC, 0000  
 JAMES G ZOULIAS, 0000

### *To be lieutenant junior grade*

GILBERTO BALDERAS, 0000  
 DEBORAH P BARNES, 0000  
 OSCAR BERNAL, 0000  
 THOMAS S BLANCHARD, 0000  
 HEATH D BOHLEN, 0000  
 CHRIS A BRICE, 0000  
 TROY A BROWN, 0000  
 BRIAN S CAREY, 0000  
 RICHARD E CARROLL, 0000  
 STEVEN B CARTER, 0000  
 CHRISTINE M CHESAREK, 0000  
 MICHAEL W CHUCRAN, 0000  
 CHRISTOPHER J CODE, 0000  
 JASON L CORNELISON, 0000  
 JOHN J CREMINS, 0000  
 MICHAEL E CURLEY, 0000  
 JAMES G DONOHUE, 0000  
 MARC A DORAN, 0000  
 GREGORY L ELKINS, 0000  
 KEITH L FERGUSON, 0000  
 KEVIN M FLOOD, 0000  
 STEPHEN C FORTMANN, 0000  
 JOSEPH D FRASER, 0000  
 ARTURO A GALANG, 0000  
 KATHRYN A GARNER, 0000  
 KEVIN J GILLOOLY II, 0000  
 ROBERT D GOAD, 0000  
 LUKE B GREENE, 0000  
 MICHAEL S GUILFORD, 0000  
 JEFFREY S HEDRICK, 0000  
 JASON R HULL, 0000  
 MARC E JASEK, 0000  
 JEFFREY F JOHNSON, 0000  
 CORLISS A KINARD, 0000  
 KIMBERLY M KRAMER, 0000  
 AARON D LANA, 0000  
 KEVIN T LIVINGSTON, 0000  
 MICHAEL J MANOR, 0000  
 ANDREW J MANSPEAKER, 0000  
 TODD M MASSOW, 0000  
 JAMES R MORRIS, 0000  
 DAVID E MURPHY, 0000  
 ERNAN S OBELLOS, 0000  
 JOHN C PHILLIPS, 0000  
 NEIL C RADER, 0000  
 JESSE J RIVERA, 0000  
 JASON E ROGERS, 0000  
 COLEMAN V RUIZ JR., 0000  
 JOHN W SHONE, 0000  
 AARON P SHULER, 0000  
 BRENDA M STENCIL, 0000  
 STEVEN M THORN, 0000  
 RAFAEL VARGAS, 0000  
 NEIL E WEST, 0000  
 MAXIMILLIAN L WESTLAND, 0000  
 KEVIN T WRIGHT, 0000

### *To be ensign*

JOSEPH N OBI, 0000  
 THEODORE G PACLEB, 0000

### IN THE ARMY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL SERVICE CORPS AND FOR REGULAR APPOINTMENT (IDENTIFIED BY AN ASTERISK(\*)) UNDER TITLE 10, U.S.C., SECTIONS 624, 531, AND 3064:

*To be lieutenant colonel*

ROBERT T AARHUS JR., 0000  
WILLIAM E ACKERMAN, 0000  
REED B ALDER, 0000  
MICHAEL L AMARAL, 0000  
DAVID W \* ANDERSEN, 0000  
THOMAS A \* BABB, 0000  
JOSE L BAEZ, 0000  
KELLEY M BARHAM, 0000  
TRAVIS L BERNRITTER, 0000  
THOMAS H BERRY, 0000  
ROBERT A BOWDEN, 0000  
ANDREW M BOYD, 0000  
PETER T BULATAO, 0000  
CHRISTOPHER M CASTLE, 0000  
ROLANDO CASTRO JR., 0000  
MARTIN N COPPOLA, 0000  
MICHAEL J DELLORCO, 0000  
WILLIAM C DOWDY, 0000  
DEBRA L \* DUNIVIN, 0000  
CHERYL L FILBY, 0000  
DANIEL P \* FLYNN, 0000  
GERALD A FOREST, 0000  
WILLIAM G FULLER, 0000  
DANIEL W GALL, 0000  
KATHY E GATES, 0000  
ROBERT L GOODMAN, 0000  
WILLIAM B GRIMES, 0000

HARRY M HAYS, 0000  
CHRISTOPHER J HILL, 0000  
JOSEPH B HOUSER, 0000  
CARL G HOVER, 0000  
MICHAEL C HOWITZ, 0000  
DANIEL H JIMENEZ, 0000  
DANIEL J JONES, 0000  
MICHAEL L KIEFER, 0000  
GUY T KIYOKAWA, 0000  
PAUL K LAVAN, 0000  
CARLA LONG, 0000  
RICHARD G LOONEY, 0000  
PETER T MCHUGH, 0000  
CHRISTOPHER A MEILINGER, 0000  
JOSE MELENDEZ JR., 0000  
KENNETH A \* MILES, 0000  
WILLIAM H MILLAR, 0000  
DEBRA L MILLER, 0000  
ROBERT E \* MILLER, 0000  
ERIC G \* MILSTREY, 0000  
ROBERT D MITCHELL, 0000  
JAMES B MONTGOMERY, 0000  
DIANE M ORRICO, 0000  
DALE A OSTLER, 0000  
CHRISTOPHER L PATE, 0000  
DAVID R PETRAY, 0000  
RICHARD T PHILLIPS, 0000  
LESLIE J PIERCE, 0000  
ALAIN J PIRRONE, 0000

JOSEPH C PISCIOTTA, 0000  
MICHAEL K PODOJIL, 0000  
JEFFREY R QUINN, 0000  
NELSON W \* REBERT, 0000  
FRANCISCO J RENTAS, 0000  
MICHAEL J ROGERS, 0000  
WALTER K ROSS, 0000  
BARBARA A ROWE, 0000  
RICHARD W SALGUEIRO, 0000  
PATRICK J SAUER, 0000  
DONNA M SHAHBAZ, 0000  
JAMES E SHIELDS, 0000  
DAVID A SMITH, 0000  
JEFFREY STOLROW, 0000  
TAMI R STRAIT, 0000  
SCOTT A \* SVABEK, 0000  
MICHAEL A SWALKO, 0000  
GREGORY A SWANSON, 0000  
SCOTT F TANNER, 0000  
CHERYL TAYLORWHITEHEAD, 0000  
WILLIAM C TERRY, 0000  
TAMMY L THOMASROTH, 0000  
JULIAN C VELASQUEZ, 0000  
MICHAEL A WEHNER, 0000  
MARK C WILHITE, 0000  
HAILEY F WINDHAM, 0000  
SCOTT C WRIGHT, 0000

## EXTENSIONS OF REMARKS

### REMEMBERING THOSE WHO SERVED

#### HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 21, 2002*

Mr. BONIOR. Mr. Speaker, every year on Memorial Day, we recognize those who fought for our nation and gave their lives in the name of democracy and freedom. It is a time for us to remember the patriotism they showed as they went into battle, the courage with which they fought, and the ultimate sacrifice they made for our country.

My home state of Michigan has lost many good men and women to war. We lost 18,906 people in World War I, World War II, the Korean War, and the Gulf War. We lost over 2,600 men and women in Vietnam—more people per capita than any other state in the nation. We understand the honor in answering a nation's call to serve, and we know what it means to lose parents, brothers, sisters, and children to battle. As a Vietnam-era veteran, and the son of a WWII veteran, I know in my heart the value of this service.

Our lost soldiers have earned parades, memorial services, and events in their honor. But they have also earned a commitment from their nation that we will never forget their service and will treat all who fight for our country with dignity and respect. We should remember our lost soldiers not just in words, but deeds. We should honor their sacrifices by providing good health care, benefits, and compensation to our veterans who fought alongside them and the current members of our Armed Forces. We should honor them by fulfilling all the promises that we made to them and their families when they answered the call of duty.

As we observe Memorial Day, let us not be content with honoring our soldiers just this one day each year. Let us remember in our hearts the ultimate gift these men and women gave to us. And let us keep in our prayers those men and women who are serving our nation overseas today. In their courage and strength, they set an example for all of us and remind us of what it means to be an American.

### VETERANS' AND SURVIVORS' BENEFITS EXPANSION ACT OF 2002

SPEECH OF

#### HON. SHEILA JACKSON-LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 20, 2002*

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise to voice my support for H.R. 4085, the Veterans' Compensation Cost-of-Living Adjustment Act of 2002. Our federal policy towards veterans recognizes the importance of their service to our nation. The Department of Veterans Affairs administers, directly or in conjunction with other federal agencies, programs

that provide compensation for disabilities sustained or worsened as a result of active duty in military service. The VA also provides pensions for totally disabled, poor war veterans. Furthermore, the VA offers cash payments for certain categories of dependents and/or survivors. The VA gives free medical care for conditions sustained during military service, and medical care for other conditions, much of which is provided free to low income veterans.

In addition, the Department of Veteran Affairs supplies education, training, rehabilitation, and job placement services to assist veterans upon their return to civilian life. The VA also administers loan guarantees to help them obtain homes. Moreover, the VA provides life insurance to enhance the veteran's financial security for their dependents, and burial assistance to the families of veterans when they die. Thus, the VA does a lot to enhance the lives of our veterans.

The responsibility to care for veterans, their spouses, their survivors and their dependents can last a long time. An example of this is that the last dependent of a Revolutionary War veteran died in 1911, and the last dependent of a veteran of the War of 1812 died in 1946, and the last dependent of a veteran of the Mexican War in 1962. Subsequently, about 650 children and widows of Spanish-American War veterans still receive VA compensation or pensions.

This bill contains provisions that would affect a wide range of veterans' programs, including disability compensation, dependency and indemnity compensation, housing, insurance, and readjustment benefits. This bill also provides an annual cost-of-living increase for veterans' benefits, and expands certain benefits for veterans and their survivors.

Accordingly, this bill directs the Secretary of Veterans Affairs to increase the rates of veterans' disability compensation, as of December 1, 2002. This cost of living increase gives veterans a 2.6% increase. This matches the automatic increases received by most federal benefit programs. This is important, because we should not burden our veterans financially.

The bill also adds additional compensation for dependents, the clothing allowance for certain disabled adult children, and dependency and indemnity compensation for surviving spouses and children.

The CBO estimates that enacting this bill would increase direct spending by \$25 million in 2003, \$123 million over the 2003–2007 period, and \$260 million over the 2003–2012 period, but the CBO estimates that any such outlays would be insignificant because it takes the Department of Veterans Affairs several months to process most benefit claims.

Therefore, I support our veterans and strongly support this bill to increase compensation to our veterans.

### PAYING TRIBUTE TO ELE'S PLACE

#### HON. MIKE ROGERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 21, 2002*

Mr. ROGERS of Michigan. Mr. Speaker, I rise to honor the accomplishments of Ele's Place in Lansing, Michigan, and the caring volunteers and community leaders who have built a remarkable non-profit program for children grieving the loss of a loved one.

Beginning in 1991 with volunteer help and a dream, Ele's Place has worked in borrowed space in a Lansing church basement to reach out to grieving children in a compassionate and caring setting. Today, Ele's Place is a haven where children can learn to heal in trying times.

Ele's Place also offers guidance to parents and adults helping children through the loss of a family member, friends, classmate or other loved one. By helping children and their significant adults deal with grief, Ele's Place has an immeasurable and extended impact on the entire community.

As Ele's Place launches the construction of its very own facility this month, this group of caring professionals and volunteers are poised to expand their enormous impact on the grieving families of the Lansing, Michigan region.

Mr. Speaker, we wish Ele's Place well and congratulate them on this major accomplishment. We are honored to support the work of the dedicated team that makes Ele's Place possible.

### HONORING THE DISTINGUISHED PUBLIC SERVICE OF TOMMY MARLIN

#### HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 21, 2002*

Mr. GORDON. Mr. Speaker, I rise today to recognize the outstanding public service of a good friend of mine, Tommy Marlin. Tommy is retiring as the Sumner County executive at the end of his current term, which ends on August 31. He has served as the county's chief executive since 1994, but has served the residents of Sumner County, Tennessee, for 26 years.

Tommy began his career in public service in 1976 after being elected the county's assessor of property. He might have chosen a different career path in light of the fact his brother and nephew were wrestlers in the National Wrestling Association. But Tommy was looking for a more combative arena to showcase his talents, so he chose politics.

I'm glad Tommy entered the field of public service because he has helped me in my own career. He has been a longtime friend and advisor from my very first days in Congress.

In 1988, Tommy was named Overall Outstanding County Official of the Year by the

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

state of Tennessee. As county executive, his door is always open, and his card reads, "It's a pleasure to serve you." One peek around his office and it's evident that his blood runs orange because he is an avid University of Tennessee football fan.

The people of Sumner County could not have asked for a better public servant. His leadership and work ethic will be sorely missed. I cordially congratulate Tommy on his distinguished career as a public servant and wish him and his wife, Nancy, well in their future endeavors.

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IN HONOR OF THE HAMTRAMCK  
FIREFIGHTERS AND THE 5TH AN-  
NUAL ST. FLORIAN MARCH

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**HON. DAVID E. BONIOR**

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 21, 2002*

Mr. BONIOR. Mr. Speaker, as members of the Hamtramck Firefighters gathered together to celebrate the patron saint of firefighters, St. Florian, they celebrated a feast day cherished by firefighters everywhere. Honoring the patron saint of firefighters, brewers, chimney-sweeps and others, St. Florian is remembered in the Catholic tradition for many miracles, including the extinguishing of a huge fire with a pitcher of water and stopping a town from burning by throwing a single bucket of water on the blaze. Celebrating their fifth consecutive march on Saturday, May 4, 2002, the Hamtramck Firefighters continued the tradition of celebrating and honoring the miracles of St. Florian.

As the city of Hamtramck, Michigan is home to the St. Florian Catholic Church, each year the Hamtramck Firefighters celebrate this feast day by marching from the Hamtramck Firehouse to the St. Florian church for a special celebration of mass. Inviting departments from across the state of Michigan and Ontario, Canada, communities everywhere choose this day to recognize their firefighters and the countless contributions they have made to their communities.

Our great state of Michigan is home to patriotic citizens who give so much to this country everyday. This year is no exception for the Hamtramck Firefighters, who continue to stand together ready to offer relief and assistance to fellow Americans in this time of greatest need. The Hamtramck Firefighters have also chosen this day to celebrate the unity and brotherhood of firefighters, a brotherhood that reaches far beyond religious and ethnic barriers. Their actions reflect the unity and strength of Americans.

Firefighters are an integral part of every community in this nation. As the Hamtramck Firefighters and firefighters everywhere celebrate the holiday commemorating St. Florian, we join them in their tribute and honor the contributions firefighters have made to our great country.

**JOBS FOR VETERANS ACT**

SPEECH OF

**HON. SHEILA JACKSON-LEE**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 20, 2002*

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in support of H.R. 4015, the Jobs for Veterans Act. This bill would provide funds for a new performance incentive awards program to encourage employment, training, and placement programs for veterans. This incentive program would reward those states that excel in aiding our veterans. It would also provide awards to states that made significant progress in this area, even if they were not among the highest performers. The awards would take the form of new contracts for veterans employment programs.

Furthermore, It authorizes \$1 million for a Labor Department study of the economic benefit to the United States attributable to providing employment and training services to veterans.

Mr. Speaker, we have all seen the stories of those who have lost their lives so we can live ours. The tragic events of September 11th and the ensuing War on Terror that our brave armed forces are currently fighting should inspire this body to secure the future of our armed forces.

Job training is of paramount importance to our veterans. We ought to provide them with adequate resources so that they may succeed in their future endeavors.

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HONORING THE DISTINGUISHED  
PUBLIC SERVICE OF DOYLE  
GAINES

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**HON. BART GORDON**

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 21, 2002*

Mr. GORDON. Mr. Speaker, I rise today to recognize the outstanding public service of a good friend of mine, Doyle Gaines. Doyle is retiring as the Macon County executive at the end of his current term, which ends on August 31.

Before being elected as the county executive in 1990, he was the Macon County school superintendent for 16 years and spent more than 38 years in the education field as a teacher, coach and administrator. During his impressive career, Doyle received numerous awards and honors for his commitment and leadership.

He has always been an active member of the community, serving on various civic boards and organizations. Doyle's leadership was also instrumental in forming the Cordell Hull Economic Opportunity Corporation, a regional agency in Tennessee dedicated to fighting poverty by helping people be self-sufficient.

Always striving to be well informed and at the forefront of creative initiatives, Doyle has served his community, state and nation with distinction. The people of Macon County and the mid-state region could not have asked for a better public servant. His leadership and work ethic will be sorely missed by the Macon County government. I cordially congratulate

Doyle on his distinguished career as a public servant and wish him well in future endeavors.

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DEPARTMENT OF VETERANS AF-  
FAIRS EMERGENCY PREPARED-  
NESS RESEARCH, EDUCATION,  
AND BIOTERRORISM PREVEN-  
TION ACT OF 2002

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SPEECH OF

**HON. CIRO D. RODRIGUEZ**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 20, 2002*

Mr. RODRIGUEZ. Mr. Speaker, the events of September 11th and the subsequent anthrax attacks have forced us as a country to reevaluate our ability to respond to chemical, biological, and radiological contingencies. As a member of the House Veterans Affairs Committee (HVAC) Subcommittee on Health, I participated in a hearing to assess the readiness of the Department of Veterans Affairs (DVA) to be a third line responder in the event of a threat of this sort. The news was not good. This is why I am an original co-sponsor of HR 3253, the Emergency Preparedness Research, Education, and Bio-Terrorism Prevention Act of 2002. Through the establishment of National Medical Emergency Preparedness Centers, we would enhance the work that the DVA is already engaged in, and strengthen our national homeland defense efforts.

In recognizing that the DVA is the nation's largest health care system and engages in some of the most promising research, and provides first-rate medical training and education should signal to us all that herein lies an opportunity. Considering all that the DVA already does successfully, I see no reason why they cannot be positioned as a first responder in the event of a biological or chemical attack. With the proper allocation of resources and support, those provided by the passage of HR 3253, many DVA medical centers will be well positioned to provide our country with the necessary support in these crisis situations.

In my district, the 28th Congressional District of Texas, the South Texas Veterans Health Care System, Audie L. Murphy Division, already engages in shared teaching and research arrangements with medical schools and has been able to attract several high-level scientists in fields relevant to bio-chemical and radiological threats. This facility is among the top ten research and development facilities within the DVA and is a tribute to the rewards of collaborative research efforts like those suggested by this legislation.

I am excited about the prospect of National Emergency Preparedness Centers, which would not only engage in research to develop methods of detection, inoculation, and treatment, but also coordinate research with universities and federal agencies in the dissemination of the latest information to healthcare workers at public and private hospitals across the country.

Through the passage and enactment of this measure the DVA will become a key partner in our nation's homeland defense efforts.

RECOGNIZING MIKE MARTEL FOR  
HIS SERVICE TO NEW HAMPSHIRE  
RADIO

**HON. JOHN E. SUNUNU**

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 21, 2002*

Mr. SUNUNU. Mr. Speaker, I rise today to recognize a familiar New Hampshire voice that will soon be absent from Northern New England's airwaves. Dover, New Hampshire's Mike Martel, a member of WOKQ's "Morning Waking Crew," will be retiring on May 31 after making his start in local, New Hampshire radio 30 years ago.

For the past 28 years, Mike has been employed at WOKQ, a 50,000 watt radio station located in Dover, New Hampshire. There, he often began his day well before most of us had even stirred from bed preparing to hit the airwaves at 5 a.m.

Whether hearing Mike from their homes or while making the drive to work, listeners in New Hampshire, Maine, Vermont, Massachusetts, and Canada were sure to have their day brightened with his infectious laugh and "Joke of the day."

Mike's consistent service to his profession and his community stands out as a positive contribution to the field of radio, and is one in which he and his family can certainly take pride. For the rest of us, he will be sadly missed. Mr. Speaker, I ask my colleagues to please join me in thanking Mike for his dedication and wishing him the best.

TRIBUTE TO REVEREND DR. ARTHUR J. POINTER, 35TH PASTORAL ANNIVERSARY, METROPOLITAN BAPTIST TABERNACLE

**HON. DAVID E. BONIOR**

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 21, 2002*

Mr. BONIOR. Mr. Speaker, as the congregation of the Metropolitan Baptist Tabernacle Church gathered together on Saturday, May 18, 2002, they celebrated the 35th Pastoral Anniversary of Reverend Dr. Arthur J. Pointer. A lifelong leader and devoted pastor, Dr. Pointer has truly demonstrated his commitment to advancing the mission of Metropolitan Baptist Tabernacle across the state of Michigan. As the members and friends of Dr. Pointer gathered to celebrate this special anniversary, they paid tribute to his outstanding years of activism, leadership, and faith.

Dr. Pointer has been preaching the Gospel to the congregation of Metropolitan Baptist Tabernacle, located in Flint, Michigan, since 1967. As his message and ministry has been received, he has shown a special dedication to making a positive difference in the lives of others. Dr. Pointer, a father, grandfather, and great-grandfather, has truly become a leader to all those who know him. "A leader who dared to dream great dreams", Dr. Pointer has truly led his family, congregation, and community to greatness.

Dr. Pointer has been an active force in his community, working with Metropolitan Baptist Tabernacle in organizing several programs and ministries as well as working with many

organizations around the state of Michigan. As the former chairman of the Metropolitan Detroit Housing Development Corporation, the Michigan State O.I.C., and the Board for Urban Community Outreach Program, which was initiated at Metropolitan Baptist Tabernacle, his involvement with church and beyond has been an inspiration to all. Even today, Dr. Pointer continues to serve his community well as the President of the Wolverine State Missionary Baptist Convention and as Chairman of the Political Action Committee of Concerned Pastors and the Christian Evangelical Broadcasting Association, Inc. Dr. Pointer's distinguished service and outstanding dedication to improving the lives of people through faith will continue to serve as an example to communities across this nation.

I applaud Dr. Pointer for his leadership, commitment, and service, and I urge my colleagues to join me in saluting him for his exemplary years of faith and service.

IN HONOR OF MR. BERNARD C.  
WATSON

**CHAKA FATTAH**

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 21, 2002*

Mr. FATTAH. Mr. Speaker, I rise today to recognize a truly remarkable man, a person who genuinely exemplifies what it means to be a teacher, mentor, and scholar.

Mr. Bernard C. Watson, a longtime educational and civic leader in Philadelphia, will be this year's recipient of the Philadelphia Award for 2001. The award, which will be presented June 11, honors a resident of the Philadelphia region who does the most to "advance the best and largest interest of the community." The award is complimented with a cash prize of \$25,000. Prior recipients of this distinguished award include people such as Sister Mary Scullion, co-founder of Project H.O.M.E., former Mayor Edward Rendell, former City Council President and current mayor John Street, and Rev. Leon Sullivan, a social activist, and educator responsible for leading international efforts to promote non-violent social and economic change.

Originally from Gary, Indiana, Mr. Watson quickly rose to prominence by becoming a deputy superintendent to Philadelphia public schools in 1967. He was also president of the William Penn Foundation, vice president for academic affairs at Temple University, and vice president of the Pennsylvania Council of the Arts. Considered an expert in his field, Mr. Watson was appointed to a number of educational advisory councils by three different U.S. presidents. He also authored several books, including a memoir, "Colored, Negro, Black: Chasing the American Dream."

Chairman of the Philadelphia Award Trustees, William J. Marrazzo, indicated Mr. Watson was selected from dozens of highly qualified nominees. Chairman Marrazzo commented that Mr. Watson "has been a tireless fighter of ignorance and injustice, a determined advocate for educational excellence, and an energetic supporter of the arts. He is truly one of Philadelphia's treasures."

Mr. Speaker, I couldn't agree more with the Chairman's comments. Mr. Watson's selflessness is evidenced in his words and actions.

Educating others, Mr. Watson recently reflected, is the most rewarding aspect of his work. Mr. Watson commented, "Education is how you give people control of their lives. It is a way of giving someone the notion of what you can be as a human being."

TRIBUTE TO HALF HOLLOW HILLS  
HIGH SCHOOL EAST

**HON. STEVE ISRAEL**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 21, 2002*

Mr. ISRAEL. Mr. Speaker, I rise today to congratulate the outstanding performance of Half Hollow Hills High School East from Dix Hills, New York in the "We the People . . . The Citizen and the Constitution" competition.

A select group of 24 students from Half Hollow Hills High School East represented the State of New York at the national finals competition in Washington, D.C., May 4-6, 2002. These young people competed with 50 classes from across the nation and demonstrated a remarkable understanding of the ideas and values of American constitutional government.

Mr. Speaker, I would like to recognize the efforts of the student participants. They are: Beth Bernstein, Jacqueline Borgia, Sherri Cohen, Katelyn Del Priore, Lindsey Forur, Brian Ginsberg, Sarah Givner, Seth Glodowski, Jamie Golden, Emily Gustafson, Dustin Kreltzeberg, Megan Meagher, Michal Meiler, Jacquelyn O'Neil, Gabriella Pinto, Lindsay Posner, Sarah Rasheed, Inger Reres, Steven Savella, Dennis Schmelzer, Persis Singh, Megan Spector, Stanley Voigt, and Matthew Witko.

These young scholars are taking the Advanced Placement American Government class. Part of their learning experience includes participation in the "We the People" program. These students, through teamwork and dedication, captured the New York State championship after advancing from district and regional levels.

Mr. Speaker, I commend them for balancing this demanding extracurricular activity with the rigors of their daily course work. Furthermore, I commend them for working together as team to accomplish the goals they set forth.

Mr. Speaker, I also stand to recognize the efforts of the coaches, faculty, parents, and facilitators involved. Specifically, Scott Edwards, the group's coach and AP American Government teacher, prepared these students through intensive classroom instruction and numerous study sessions after regular school hours. James McCaffrey, the school's principal, contributed to the students' success by providing adequate resources and administrative support. Jane Weber, the district coordinator, made logistical arrangements and directed the group's fundraising efforts. Laura Parker also helped by serving as an assistant coach and chaperone.

Mr. Speaker, I commend these individuals for their unselfish commitment to these students' education.

It is with great pride, Mr. Speaker, that I recognize the efforts and achievements of these outstanding students and individuals and bring their achievements to the attention of this Congress.



## PERSONAL EXPLANATION

**HON. BOB RILEY**

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 21, 2002*

Mr. RILEY. Mr. Speaker, I was unavoidably detained for Rollcall No. 171, H. Con. Res. 314, Recognizing the members of AMVETS for their service to the Nation and supporting the goal of AMVETS National Charter Day. Had I been present I would have voted yea.

I was also unavoidably detained for Rollcall No. 172, H. Con. Res. 165, Expressing the sense of the Congress that continual research and education into the cause and cure for fibroid cancer be addressed. Had I been present I would have voted yea.

I was also unavoidably detained for Rollcall No. 173, H. Con. Res. 309, Recognizing the importance of good cervical health and of detecting cervical cancer during its earliest stages. Had I been present I would have voted yea.

## CONGRATULATING 46 HIGH SCHOOL ARTISTS

**HON. RODNEY P. FRELINGHUYSEN**

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 21, 2002*

Mr. FRELINGHUYSEN. Mr. Speaker, I rise today to congratulate and honor 46 outstanding high school artists from the 11th Congressional District of New Jersey. Each of these talented students participated in the Annual Congressional Arts Competition, "An Artistic Discovery," and they were recently honored at a reception and exhibition at the Schering Plough Corporation in Madison, New Jersey and their works are exceptional!

Mr. Speaker, I would like to list each of them, their high school, and their contest entries for the official RECORD.

We had 46 students participate. That is a tremendous response and we would very much like to build on that for next year's competition.

This year, Mr. Speaker, the winner of "An Artistic Discovery" was Victor Coghlan from Boonton High School for the work entitled "My Friend Joseph." Second place went to Audrey Kruse from West Morris Mendham High School for "Just Call Me Doty." Third place also from West Morris Mendham High School went to Kelsey Dahlin Dugan for "Three." The Viewer's Choice Award was given to Michael Mule of Boonton High School for "Doorway."

Honorable mentions were awarded to Meredith Klein of Livingston High School for "Tin Foil Study," Christina Tammera from Madison High School for "Soda Shop," Kara Kasch from Morristown High School for "Narcissus," Andres Rivera from Mount Olive High School for "Can I Change Myself If I Try?," Megan Bornstein from Randolph High School for "You Are What You Eat," and a self portrait by Dana Kalfas of Montville High School.

Excellent art work was also submitted by Boonton High School with "Ryan Bradely" by Laura Schafnirt, Melissa DiSalvo with "My Sneakers," Michael Mule with "Doorway." Dover High School contributed "Nature at its Best" by Shirley Velasquez, "Ode to Monet"

by Megan Franchak, "Falling Into Being" by Leah Huss." Livingston High School submitted a self-portrait by Amy Heuer, Tiffany Wong with "Beware" and "Forbidden Passage" by Johnathan Lee. Madison High School contributed "Travel Photo #46" by James Weber, "City at Sunset" by Adrienne Heller, and "Sunflowers" by Lorriane Ewan. Montville High School submitted, "Italian Breakfast" by Kristina Pennetta, "Laura" by Laura Croce, "The Raven" by Marissa Herrmann and a self-portrait by Dana Kalfas. Morris Knolls High School entered "Appearances can be Deceiving," by Kyle Schuster, "The Devil in Me" by Benjamin Kurfverst, "The Transformation" by Daniel Murphy, and "My Wonderland" by Mercedes Irisarri. Morristown High School offered a self-portrait by Michelle Miller, "Afternoon Light" by Triana Collins, and "Dusk" by Gary Reinhard. Mount Olive High School contributed "Turning Leaves" by Andres Rivera, and untitled works by Timothy Quirino and Ariel Hahn. Randolph High School entered "Digital" by Michel Sun and "Pulsating Time" by Anthony Lee. Ridge High School submitted an untitled work by Seung Eun Lee, "Four Square" by Emily Slapin, "Reflect" by Meghan Musso, and "Genesis" by Gina Caruso. West Essex High School offered "Illuminated" by Sherry Lewkewicz, "Tropical Island" by Julian Osis and untitled works by Elyse Agnello and Francesca Barcia. West Morris Mendham High School entered "The Blue Bowl" and "The self" by Robert Douglas Fritz, III.

Each year the winner of the competition will have an opportunity to travel to our nation's capital to meet Congressional leaders and to mount his or her art work in a special corridor here at the U.S. Capitol, with winners from across the country. Members of Congress and thousands of visitors to the Capitol have a chance to view these works of art firsthand. It is a fantastic reminder that there is vast talent in our young men and women.

Indeed, all of these young artists are winners, and we should be proud of their achievements so early in life.

Mr. Speaker, I urge my colleagues to join me in congratulating these talented young people from New Jersey's 11th Congressional District.

## A TRIBUTE TO MONTEREY COUNTY SUPERIOR COURT JUDGE RICHARD SILVER

**HON. SAM FARR**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 21, 2002*

Mr. FARR of California. Mr. Speaker, I rise today to honor the life's work of Monterey County Superior Court Judge Richard Silver, 60, whose outstanding legal acumen has enriched society on the Central Coast for more than a quarter of a century.

A graduate of the University of California's Boalt Hall School of Law, Judge Silver began his legal career as a defense lawyer with the Francis Heisler law firm. Among the cases that fueled his rise to prominence in the late 1960s was the Soledad Brothers prison-murder trial.

At my urging, Gov. Jerry Brown appointed Judge Silver to the bench in 1977. Judge Silver became known for his expertise and efficiency in handling civil cases. He developed a

case management system that makes civil justice more swift in Monterey County than in almost any other California county.

He also built a reputation for settling tough cases before they went to trial. And he became known for tackling contentious issues ranging from land use disputes to struggles between teachers and school districts.

Among those who founded the Monterey College of Law, Judge Silver remains on its board of directors.

Although he is stepping down from the bench, Judge Silver is likely to remain highly active in the local legal community, by settling disputes out of court as a private judge and arbitrator. For this, all of us who have come to know him over the years on the Central Coast will be very grateful.

## TRIBUTE TO REVEREND D. CHARLES HILDRETH, 8TH PASTORAL ANNIVERSARY, GREATER HARVEST MISSIONARY BAPTIST CHURCH

**HON. DAVID E. BONIOR**

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 21, 2002*

Mr. BONIOR. Mr. Speaker, as the congregation of Greater Harvest Missionary Baptist Church gathered together on Sunday, May 5, 2002, they celebrated the 8th Pastoral Anniversary of Reverend D. Charles Hildreth. A lifelong leader and devoted pastor, Reverend Hildreth has truly demonstrated his commitment to advancing the mission of the Greater Harvest Church across the state of Michigan. As the members and friends of Reverend Hildreth gathered to celebrate this special anniversary, they paid tribute to his outstanding years of activism, leadership, and faith.

Joining the Greater Harvest Missionary Baptist Church, located in Muskegon Heights, Michigan, Reverend Hildreth has been preaching the Gospel to its congregation since June 10, 1994. As his message and ministry has been received, he has shown a special dedication to making a positive difference in the lives of others. To those who know Reverend Hildreth best, he is "a promoter and student of the blessings that accompany the sacrifices of continuing Christian Education."

With a passion for his community, Reverend Jones has been an active force in educating his community as well as working with the Greater Harvest Church in organizing several programs and ministries. As the First Vice President of the Congress Christian Education of the General Baptist State Convention of Michigan, a member of the Board of Directors of the Urban League of Greater Muskegon, and a lifetime member of the NAACP, his involvement within the church and beyond has been an inspiration to all. Reverend Hildreth's distinguished service and outstanding dedication to improving the lives of people through faith will continue to serve as an example to communities across this nation.

I applaud Reverend Hildreth for his leadership, commitment, and service, and I urge my colleagues to join me in saluting him for his exemplary years of faith and service.

## TESTIMONY OF LYDIA LEWIS

## HON. PATRICK J. KENNEDY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 21, 2002

Mr. KENNEDY of Rhode Island. Mr. Speaker, I wish to insert into the RECORD the testimony of Lydia Lewis of the National Depressive and Manic-Depressive Association before the House Labor-HHS-Education Appropriations Subcommittee.

TESTIMONY OF LYDIA LEWIS, ON BEHALF OF THE NATIONAL DEPRESSIVE AND MANIC-DEPRESSIVE ASSOCIATION—MAY 9, 2002

Good morning Mr. Chairman and members of the Subcommittee. Thank you for the opportunity to testify on federal funding for mental health research for the next fiscal year. My name is Lydia Lewis and I serve as Executive Director of the National Depressive and Manic-Depressive Association (National DMDA).

National DMDA is the nation's largest illness-specific, patient-directed organization. We represent the 20 million American adults living with depression and the additional 2.5 million adults living with bipolar disorder. Part of the mission of National DMDA is to educate the public concerning the nature of depression and bipolar disorder as treatable medical diseases and to advocate for research to eliminate these diseases.

Mr. Chairman, National DMDA is pleased with the Subcommittee's strong commitment to biomedical research. We are grateful for the progress toward doubling the overall NIH budget and we encourage the Subcommittee to complete the doubling plan in this fiscal year. We support the Administration's request for \$27.3 billion for the National Institutes of Health (NIH). As you know, this increase of \$3.7 billion would complete the final phase of the NIH doubling plan.

Our nation's investment in extramural biomedical research, led by the NIH, yields countless discoveries that facilitate our understanding of the biological basis of disease. This knowledge will help develop improved techniques to prevent, diagnose, treat, cure and eliminate diseases.

## RESEARCH

Although bipolar disorder is a biochemical imbalance in the brain, like many mental illnesses, it cannot be identified physiologically. There is no blood test or brain scan, yet. Funding for the NIH, and funding for mental illness in particular, promises great rewards for both individuals who suffer from mental illness and for our nation as a whole.

Evidence underscores the effectiveness of treatment for mental illnesses. Treatment for bipolar disorders has a 65% success rate and major depression has an 80% success rate. Comparatively, a surgical procedure for angioplasty has a 41% success rate. As research yields greater advancements in treating mood disorders and other mental illnesses, we hope to see the treatment success rate soar.

We applaud efforts to advance research on postpartum mental illness through legislative means. The "Melanie Stokes Postpartum Depression Research and Care Act" (H.R. 2380/S. 1535) would direct funds for the specific purpose of NIH research on postpartum depression and postpartum psychosis.

It is estimated that 10 to 20 percent of new mothers experience postpartum depression (PPD). Postpartum psychosis (PPP) affects less than 1 percent of new mothers. While there may be indicators or predispositions

for these disorders, researchers do not have sufficient information about the cause and effective treatment.

Employers, employees, the mental health system and the federal government will all benefit from the long term economic savings of early detection and treatment of mental illness. Our nation's investment in increased biomedical research for mental illness will advance this cause.

CO-OCCURRING MENTAL ILLNESS AND  
SUBSTANCE ABUSE

A high percentage of patients with mental illness also have alcohol and substance abuse problems. Conversely, many individuals with alcohol and substance abuse problems suffer from mental illness. The State mental health systems separate block grant funding for these treatments, one treatment for traditional mental illness and another for alcohol and substance abuse.

More than half of individuals with bipolar disorder or schizophrenia may be alcohol/substance abusers. The rate of alcohol and drug abuse in the general population is approximately 20%; it is 50-60% in people with bipolar disorder. For individuals with mood disorders, drugs of abuse interact differently, potentially causing exponential damage greater than the abusive substance alone.

Medical experts understand it is critical that new patients in treatment for mental illness address any alcohol or substance abuse issues in collaboration with their mental health needs. Integrated treatment by dually trained professionals is critical to the success of either program.

We are encouraged by the Substance Abuse and Mental Health Services Administration (SAMHSA) efforts to study this issue. It is our understanding that SAMSHA will issue a report to Congress by October 17, 2002. We believe it is imperative that SAMSHA integrate treatment programs for these individuals. In addition to an improved quality of life, streamlining the system will eliminate unnecessary and redundant paperwork, saving critical funds for more successful treatment programs.

THE STIGMA OF MENTAL ILLNESS AND HEALTH  
INSURANCE PARITY

We are delighted with the President's recent commitment to help end the stigma associated with mental illnesses. For far too long, individuals with mental illness have avoided seeking appropriate and critical treatment for fear of the stigmatizing label of mentally ill or have needed to make a choice between food, rent and treatment. For many individuals this is a choice between life and death.

In 1999, suicide was the 11th leading cause of death in the United States. For males, it was the eighth leading cause of death and for young people age 15 to 24, suicide was the third leading cause of death. Suicide outnumbered homicides by 5 to 3 and there were twice as many deaths due to suicide than deaths due to HIV/AIDS.

While these statistics are sobering, we are hopeful that with increased availability of treatment, those numbers can change. While we support essential research on the causes of mental illness, we also support increased access to already existing treatment by passing the "Mental Health Equitable Treatment Act" (H.R. 4066/S. 543).

Individuals who suffer from mental illness should not be required to bear an additional financial burden to treat their illnesses. The discriminatory practice of setting different limits, hospital stays, and deductibles for mental illness is arbitrary, cruel and without medical basis.

We believe that providing mental health coverage is cost effective for all employers. The Congressional Budget Office (CBO) esti-

mated that providing mental health parity as outlined in the Domenici-Wellstone Mental Health Equitable Treatment Act would increase health care costs by less than 1%. Increasing ease and access to treatment will yield healthier, more productive employees. Passing the Mental Health Equitable Treatment Act is a step toward ending discriminatory practices that seek to separate the body from the mind.

Thank you again Mr. Chairman for the opportunity to testify.

## IN MEMORY OF JOHN M. MCGEE

## HON. GENE TAYLOR

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 21, 2002

Mr. TAYLOR of Mississippi. Mr. Speaker, I would like to take this opportunity to remember the patriotic actions of Mr. John M. McGee, a resident of Pass Christian, Mississippi who passed away on February 23, 2002. As the Korean War unfolded, he enlisted with the U.S. Navy and served on the destroyer tender *Shenandoah* and the destroyer *Willard Keith*. He was a veteran of the decisive Inchon invasion commanded by General Douglas MacArthur. Mr. McGee earned his college degree in engineering from the Armed Forces Institute. After an honorable discharge from the U.S. Navy, he was certified as a Professional Engineer specializing in petroleum engineering. He then worked for a petroleum-engineering firm in Wyoming, ultimately becoming the petroleum engineer in charge of a five state office.

In 1966, he accepted a job with the Department of Defense, and conducted operations in Vietnam, Cambodia, Laos, and Thailand until 1969. During his tour of duty in Vietnam, Mr. McGee, discovered and exposed extensive corruption in American military operations. His courageous exposure of a million gallons of fuel destined for U.S. Military forces that had been redirected and used by the enemy led to the saving of many American lives. A Senate Sub-Committee chaired by the Honorable Senator William Proxmire of Wisconsin ultimately investigated this conspiracy. This incident and others are memorialized as part of the U.S. CONGRESSIONAL RECORD, and in the Books Report from Wasteland—America's Military Industrial Complex, by Senator William Proxmire and The Pentagonists, by A. Earnest Fitzgerald. It is for these devoted actions that we remember Mr. John M. McGee.

ROBERT J. DOLE DEPARTMENT OF  
VETERANS AFFAIRS MEDICAL

## SPEECH OF

## HON. TODD TIAHRT

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 20, 2002

Mr. TIAHRT. Mr. Speaker, "Bob Dole personifies Kansas. He is synonymous with the values that Kansans hold in the highest regard—integrity, respect for community, public service, sacrifice, and patriotism. It is only fitting to name the Wichita VA Center after a man so closely identified with Kansas, American veterans, and the values they share. I

rise in support of H.R. 4608 and urge my colleagues to join me in voting for the "Robert J. Dole Department of Veterans Affairs Medical and Regional Office Center Designation Act."

Most Americans know Senator Dole's heroic story: He was born and raised in the Heartland of Russell, Kansas. In 1942, he faithfully responded to his country's call to war, and was critically injured in combat. It took three years and nine operations for him to rehabilitate. He strengthened his injured arm, but had to learn how to write again with his left hand, as the doctors could not rebuild the excessive damage done by the Nazi machine gun fire. After the war and while still completing his law degree at Washburn Municipal University, he began his long and distinguished career in public service. He served as a Kansas state legislator, Russell County attorney, four-time member of the US House of Representatives, a five-time US Senator, the Republican National Committee Chairman, the 1976 Vice-Presidential nominee, and culminated his career as the 1996 Republican Presidential nominee.

But Bob Dole's political achievements provide only a partial measure of the man. Twice elected Majority Leader, Senator Dole served for twelve years, the longest serving Senate leader of the Republican Party. He epitomized President Reagan's immortal words, "The title of Leader is not just a job title; it's a description of the man." Even after he ended his public service, he remains a community leader, engaged in projects such as National World War II Memorial, Co-chairing a scholarship fund to aid families of heroes and victims of the 9/11 terrorist attacks, and campaigns for Republican candidates across the country.

I have had the distinct honor of working with and getting to know Bob Dole. In fact, he was one of my best supporters in my first race for Congress against an 18-year incumbent. Not many people other than my family and friends thought we had a chance to win that race—but Senator Dole did. Or at least he did a good job of pretending. I wouldn't have had enough money for television ads in the crucial last week of our successful 1994 campaign were it not for then soon to be Majority leader Bob Dole. When I did get to Congress in 1995, Senator Dole was a mentor and an outstanding example of how a member of Congress should fight for his state while working in the best interests of the country.

It is due to Bob Dole's extraordinary contributions as a leader, a veteran, public servant, and staunch defender of national defense that the designation of the Wichita VA Center as the Robert J. Dole Department of Veterans Affairs Medical and Regional Center is so appropriate. Please join me in a congressional salute to this great American patriot."

TRIBUTE TO REV. DR. STERLING  
LEE JONES 32ND PASTORAL AN-  
NIVERSARY MOUNT ZION MIS-  
SIONARY BAPTIST CHURCH

**HON. DAVID E. BONIOR**

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 21, 2002*

Mr. BONIOR. Mr. Speaker, as the congregation of Mount Zion Missionary Baptist Church gathered together on Sunday, April 28,

2002, they celebrated the 32nd Pastoral Anniversary of Rev. Dr. Sterling Lee Jones. A life-long leader and devoted pastor, Rev. Jones has truly demonstrated his commitment to advancing the mission of Mount Zion across southeastern Michigan. As the members and friends of Rev. Jones gathered to celebrate this special anniversary, they paid tribute to his outstanding years of activism, leadership, and faith.

Preaching the Gospel for over 37 years, Rev. Jones has led the congregation of Mount Zion Missionary Baptist Church for 32 glorious years. As his message and ministry has been received throughout the United States, he has shown a special dedication to making a positive difference in the lives of others. To those who know Rev. Jones best, "to hear Pastor Jones preach the gospel of Christ, to hear him teach the gospel of Christ and to hear him sing the gospel of Christ, is to know that he is chosen by Christ and is anointed by Him to do his will."

With a passion for learning and the firm belief in education, and as the key to advancement, Rev. Jones has been an active force in educating his community as well as providing outreach services for those in need. Working on projects like the Youth Department, and the "Artie Lee Bins-Jones Honor Roll", Rev. Jones has organized many programs for the youth and implemented a program encouraging higher education through annual tours to colleges and universities throughout the South. Building a multi-million dollar edifice and with plans to build a senior citizens complex and a gym for the youth, Rev. Jones's distinguished service and outstanding dedication to improving the lives of people through faith will continue to serve as an example to communities across this nation.

I applaud Rev. Jones for his leadership, commitment, and service, and I urge my colleagues to join me in saluting him for his exemplary years of faith and service.

GULFSTREAM GOODWILL  
INDUSTRIES 35TH ANNIVERSARY

**HON. MARK FOLEY**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 21, 2002*

Mr. FOLEY. Mr. Speaker, I rise today to pay tribute to a special organization that helps disabled and other disadvantaged members of our community.

In 1902, a Methodist minister from Boston, Reverend Edgar J. Helms, started a movement to help people with disabilities and other barriers to employment become working members of our community.

Throughout 2002, Goodwill Industries is celebrating its 100th anniversary making amazing progress by helping those in need.

As a former board member and President of the Gulfstream Goodwill, which is celebrating its 35th anniversary, I was able to witness first hand the great work Goodwill does for our community.

Like the national organization, Gulfstream Goodwill Industries serves disabled members of our community by helping them become intricate and productive working members. Gulfstream's mission—to empower people through work—ensures those in need are of-

fered working opportunities and the possibility of self-sufficiency and independence.

Mr. Speaker, I wish Goodwill and Gulfstream Goodwill the happiest of anniversaries. May its success continue and strive for perfection like it has over the past century.

IN HONOR OF THE RECIPIENTS OF  
DELAWARE'S FOSTER PARENTS  
OF THE YEAR AWARD, LAW-  
RENCE AND NORISA JACOBS

**HON. MICHAEL N. CASTLE**

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 21, 2002*

Mr. CASTLE. Mr. Speaker, I rise today to pay tribute to the Delaware Foster Parents of the Year, Lawrence and Norisa Jacobs of Georgetown, Delaware. Through their commitment to caring for children, they have welcomed eleven foster children into their home since 1997. Along with their two birth children and six current foster children, their home is a welcome, and active, atmosphere for the challenges of a family of ten.

Foster parents add stability to a child's life which leads to fewer emotional, behavioral and social problems for children that may not have otherwise had the necessary family love and direction. These children deserve the best chance we can give them, and the Jacobs have proven their dedication to giving all of their children the optimal chance to develop into emotionally healthy adults.

Mr. Speaker, through the years, the Jacobs have lovingly and unselfishly contributed every day to the lives of their children. It is appropriate that we take a moment to honor them.

The contributions of Mr. and Mrs. Jacobs are undeniably worthy of recognition and cannot be commended enough. I am proud to stand here today recognizing them as not only Delaware's Foster Parents of the Year, but also as nominees for National Foster Parents of the Year.

VETERANS' MAJOR MEDICAL FA-  
CILITIES CONSTRUCTION ACT OF  
2002

SPEECH OF

**HON. NICK SMITH**

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 20, 2002*

Mr. SMITH of Michigan. Mr. Speaker, I rise today in support of H.R. 4514, the Veterans' Major Medical Facility Construction Act, H.R. 4015, the Jobs for Veterans Act, and H.R. 4085, the Veterans Compensation Cost-of-Living Adjustment Act.

Next week, millions of Americans will take off and gather together with family and friends to pay tribute to the men and women of our armed forces and their loved ones who sacrificed so much to defend our precious liberties. Well over 1 million men and women have given their lives in service to our country. These people answered their country's call to serve—in the Civil War, the Spanish-American War, the First and Second World Wars, Korea, Vietnam, Desert Storm, Bosnia, Operation Enduring Freedom, and in many small, but important military actions around the globe. For

their sacrifice, they deserve our most profound respect and gratitude.

It is the willingness of citizens then and now taking individual responsibility in our Nation's defense that is the ultimate guarantee of our security and freedom. The terrorists who perpetrated the attacks of September 11 underestimated us. Since September 11, the Nation has not fallen apart, it has pulled together, confident in our traditions of freedom, tolerance, and democracy.

Today, our armed forces are in the field defending our liberties against the terrorist threat. We have the finest fighting force in the world, and they are doing a tremendous job. At home our first responders—firefighters, emergency medical and ambulance services, law enforcement, and National Guard—are being called upon for more homeland security. I am confident that we will prevail and become even stronger as a Nation.

This Memorial Day, as we celebrate those who gave their lives, we should also pause to consider the veterans among us who have contributed so much and who are such an important part of our communities. As one who had a brother killed in the line of duty in Asia and as a former Air Force officer myself, I understand the sacrifices that our service men and women and their families make.

The bills we are voting on today are designed to increase employment opportunities for veterans, improve VA facilities, and provide needed cost-of-living increases for disability compensation. There is more that we need to do to improve the way the VA does business. We need to ensure that veterans' disability claims are processed quickly and accurately, that health care delivery is improved by coordinating the medical care systems of VA and the Department of Defense, and that resources are focused on treating disabled and low-income veterans. Under the leadership of President Bush and VA Secretary Principi, I believe we are going to make significant improvements in the delivery of veterans benefits.

Over the years, our military veterans have kept faith with their country in times of need. With these bills, we will be helping to keep faith with them. Thank you, Mr. Speaker.

HONORING MR. JARRED M.  
LINDLEY

**HON. SAM GRAVES**

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 21, 2002*

Mr. GRAVES. Mr. Speaker, I rise today to recognize the dedication and commitment of Mr. Jarred M. Lindley.

Mr. Lindley is a recent graduate of Savannah High School in Savannah, Missouri, who had perfect attendance throughout his 13 Years of public education. Remarkably, Mr. Lindley also was not tardy from any event, even once, in those 13 years. Mr. Lindley, set this goal when he was an elementary student and would not take credit for his accomplishment until the final day of his senior year was complete. I am honored to have Mr. Lindley living in the Sixth Congressional District of Missouri.

Along with Jarred Lindley's parents, Sherry and Michael, family, and friends, I take pride in what he has accomplished.

I commend Mr. Lindley for his dedication in reaching his perfect attendance record. Additionally, he is graduating in the top five percent of his class, and is a member of the gold team, honor society, band, as well as holding down a part time job after school.

I again want to congratulate Mr. Jarred Lindley for his accomplishment. He makes the Sixth District and All Americans very proud.

TRIBUTE TO THE 30TH ANNIVERSARY OF THE INTERNATIONAL VISITORS COUNCIL

**HON. DAVID E. BONIOR**

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 21, 2002*

Mr. BONIOR. Mr. Speaker, the International Visitors Council of Metropolitan Detroit is a non-profit organization whose purpose is to present the unique culture of Metro Detroit to distinguished visitors from around the world through its social, economic, and educational diversity. This year, as the International Visitors Council held their annual Gala Celebration, they also celebrated their 30th Anniversary on May 17, 2002.

Since 1972, the International Visitors Council of Metropolitan Detroit has demonstrated distinguished service and leadership in establishing cross-culture relations and building solid networks of communication at the personal and professional level. As "citizen diplomats" faithfully committed to the mission of the International Visitors Council, volunteers dedicate their time and talents to hosting meetings, fundraisers and receptions for Detroit citizens and honorable guests from around the world. Opening their homes and hearts to international visitors from Europe, Asia and Africa, they take it upon themselves to ensure that visitors leave Detroit with a positive impression of the city and its citizenry.

Creating dialogue and building bridges of understanding is the only way to ensure the advancement of communities built on respect and justice. Today the International Visitors Council of Metropolitan Detroit is one of 96 councils in the nationwide network of the National Council of International Visitors, welcoming over 12,000 international visitors during the last three decades. The hard work and dedication of the International Visitors Council of Detroit to achieving its mission of building solid friendships and improving relations between the United States and other countries is truly exceptional, and encourages others to reach their level of activism and understanding.

I applaud the International Visitors Council of Metropolitan Detroit on their leadership and commitment, and I congratulate them on 30 outstanding years of dedication and service. I urge my colleagues to join me in saluting them for their exemplary years of public service.

KENT CITY QUIZ BOWL WINS  
STATE CHAMPIONSHIP

**HON. VERNON J. EHLERS**

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 21, 2002*

Mr. EHLERS. Mr. Speaker, I rise today to honor the 2002 Kent City Community High

School Quiz Bowl team for winning the 2002 Michigan Class "C & D" Quiz Bowl Championship with a perfect 6-0 record during the two-day state tournament. This marks the second time in three years that the Kent City Eagles have claimed the championship.

Members of the 2002 State Championship team include: Mike Cheyne, Jerry Urban, John Hersey, A. J. DeGroot, Josh Whitehead, Joe Postema, Jared Brown, Andy Lerch, Matt Nixon, Brandon Stout, Robert Nyblad, Justin Waller, Dan Ondersma and Isaac Owens. Government teacher Sid Smith, who serves as the coach of this talented squad, should also be commended for his outstanding work in preparing the students for competition.

On the way to their second championship, the Eagles compiled a remarkable 46-7 record, often against much larger schools. To illustrate how much the Eagles dominated most of their competition throughout the year, I note that six of their seven losses were to Class "A" Quiz Bowl Champion Detroit Catholic Central, Class "B" Champion Detroit Country Day and Class "A" runner-up, Hartland.

The team will now compete on the national level as they take part in the National Academic Quiz Tournament in Austin, Texas on June 8 and 9 and the Partnership for Academic Excellence Nationals in Washington, D.C., on June 15 and 16. I have no doubt that these outstanding young men will serve as wonderful representatives for Kent City, the State of Michigan, and the Third Congressional District.

Mr. Speaker, I ask my colleagues to join me in honoring these students who have put Kent City, Michigan on the Quiz Bowl map. Congratulations on an outstanding season, and I wish you continued success in the upcoming national competitions!

PERSONAL EXPLANATION

**HON. MAURICE D. HINCHEY**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 21, 2002*

Mr. HINCHEY. Mr. Speaker, I was unavoidably detained in New York on May 20, 2002, and missed roll call votes 171, 172, and 173. Had I been present, I would have voted "aye" on roll call 171, "aye" on roll call 172, and "aye" on roll call 173.

COMMENDING HON. RAFA HEATH  
CLOE FOR PUBLIC SERVICE

**HON. ROBERT B. ADERHOLT**

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 21, 2002*

Mr. ADERHOLT. Mr. Speaker, I rise today to commemorate the distinguished career of the Honorable Rafe Heath Cloe, United States Administrative Law Judge for the Office of Hearings and Appeals, Social Security Administration, Birmingham, AL. Judge Cloe served for more than 15 years as a senior trial attorney for the Federal Trade Commission in Washington, D.C. He has served in the United States Air Force, active and reserve duty, retiring as Colonel with the Office of the Judge Advocate General, and also serving as an instructor at the Air Force Law School at Maxwell Air Force Base in Montgomery, Alabama.

On February 22, 1982, he was appointed as the United States Administrative Law Judge for the Office of Hearings and Appeals of the Social Security Administration and has served in that capacity in Birmingham, AL since 1982.

On June 3, 2002, Judge Cloe will retire after 42 years of distinguished service to the people of the United States. His commitment to protecting the Constitutional rights of the citizens of this country is exemplary and unquestioned. He is worthy of commendation for his commitment to public service.

EXPRESSING GRATITUDE FOR THE  
EFFORTS TO RESTORE THE  
WOLF HOUSE IN MOUNTAIN  
HOME, ARKANSAS

**HON. JOHN BOOZMAN**

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 21, 2002*

Mr. BOOZMAN. Mr. Speaker, I rise today to express my gratitude for the efforts of all those involved in restoring the historic Wolf House in Mountain Home, Arkansas.

The newly restored Wolf House will have its grand reopening on May 18th. Built in 1829 by Jacob Wolf, the building served as the county courthouse for what was then Izard County, Arkansas and now provides a good glimpse into how life was in that era.

Nearly two years ago, architect Tommy Jameson led a team of craftsmen in the restoration of the 180 year-old structure. Working closely with Preservation Consultant Joan Gould, they strove to maintain historical accuracy of the project, restoring the oldest public building in Arkansas to its original form.

The restoration effort leaves the state with a building that purely interprets how structures might have appeared in the early 19th century Ozarks.

The Wolf House is now open for self-directed walking tours and I encourage my colleagues to visit this historic site if they are ever in Baxter County.

Mr. Speaker, thank you for the opportunity to praise the hard work of everyone involved in the restoration of the Wolf House.

IN HONOR OF THE 2002 DRAGON  
BOAT FESTIVAL

**HON. JAMES P. MORAN**

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 21, 2002*

Mr. MORAN of Virginia. Mr. Speaker, I rise today to shine a spotlight on the 2002 Washington, D.C. Dragon Boat Festival, being held this upcoming Memorial Day weekend.

Beginning 2000 years ago in China, dragon boat racing continues to be popular in many parts of the world, especially in Taiwan. Dragon boat racing displays a unique aspect of Taiwanese history, culture and tradition. This colorful and exciting event showcases one aspect in the vast array of the region's cultural diversity and will attract a multitude of spectators to the Washington area.

Over forty teams will participate in the race, held on the Potomac River Saturday May 25th and Sunday May 26th, including those from

the D.C. Police Department, the Harbor Patrol Officers, and even one for Congressional Staff. Through the efforts of numerous Taiwanese organizations, eight magnificently painted 45-foot long dragon boats were donated to be used in the competition.

I send my congratulations to the distinguished members of the 2002 Washington D.C. Dragon Boat Festival Committee, especially to the three honorary chairpersons: Mayor Anthony A. Williams, Chairwoman Linda Cropp and Representative C.J. Chen of the Taipei Economic Council. Also many special thanks should be given to Mrs. Yolanda Chen and all the cosponsors under her leadership. They have spent a lot of time and effort to bring this spectacular event to the Greater Washington area.

Mr. Speaker, I would like to announce what a great source of pride this event will provide to the local Taiwanese community. They are an integral part of our society and I am pleased that the 2002 Washington, D.C. Dragon Boat Festival helps to highlight the contributions they have continuously brought to the region over the years.

PERSONAL EXPLANATION

**HON. FRANK MASCARA**

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 21, 2002*

Mr. MASCARA. Mr. Speaker, on May 16, 2002, I was absent for personal reasons and missed roll call votes numbered 167, 168, 169, and 170. For the record, had I been present I would have voted yea, yea, yea, and nay, respectively.

RECOGNITION OF EILEEN  
KAVANAGH

**HON. VITO FOSSELLA**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 21, 2002*

Mr. FOSSELLA. Mr. Speaker, I hereby request that these comments be placed in the appropriate part of the CONGRESSIONAL RECORD:

This past fall, the Staten Island Advance, the Staten Island Children's Campaign and my office joined together to raise money for families of victims of the World Trade Center tragedy. We established a non-profit named The Staten Island September 11th Fund and were successful in raising more than \$1.2 million for families of victims from Staten Island.

The person who made the whole program work, the one who dealt with every family and every single application received, was Eileen Kavanagh.

Without relinquishing or compromising any of her myriad daily duties serving as executive secretary to the editor of the Staten Island Advance, she took on for six months the tremendous amount of work associated with The Staten Island September 11th Fund. That work included reviewing and processing the more than 200 applications received, handling all inquiries concerning benefits and donations and serving as the liaison between the Fund and the bank handling the account. This work

included receiving and creating computerized records of thousands of donations totaling almost \$1.3 million, sending written acknowledgments to all donors, making necessary bank deposits and, in the end, writing the almost 200 checks that the fund dispensed.

Perhaps most importantly, she showed the ability to balance both the sensitivity needed to deal with families of the September 11th attacks and the objectivity needed to reflect the strict requirements established for the administration of the Fund. From trying to explain the fund to a widow who lost her firefighter husband and who is struggling to raise their children alone and at the same time consoling and empathizing with her to explaining it to a woman who lost her father and is doing everything she can to help her mother to accepting thousands of donations from

To sum it all up, Eileen Kavanagh was able to do all of this with accuracy, understanding and compassion. She made the very difficult situation for many family members seeking financial assistance a lot easier for them because of that compassion. Sometimes, a family member of a victim just wants to hear a friendly voice on the other end—to talk—to be understood and listened to—Eileen did this gracefully. She did not do it for any monetary compensation, or for public attention, but simply to help her friends, neighbors—fellow Staten Islanders who were so devastated by the tragic events of September 11th. She provides us with an excellent example of the goodness that truly does exist in people—a goodness that we should all strive to share and attain.

Staten Island suffered a great loss on September 11th. Hundreds of men and women were lost—husbands, wives, mothers, fathers, sons, daughters, aunts, uncles, grandparents, cousins, friends, neighbors and loved ones. All of our lives were forever changed—but the deeds of people like Eileen have eased the burden a bit—and have given us all a little more strength to carry on and hope for the future.

RECOGNIZING THE 100TH ANNIVERSARY  
OF THE ATHELSTANE  
LODGE #839 FREE AND ACCEPTED  
MASON

**HON. BENJAMIN A. GILMAN**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 21, 2002*

Mr. GILMAN. Mr. Speaker, I wish to call to the attention of our colleagues and the American people the achievements of the Brothers of the Athelstane Lodge #839 Free and Accepted Masons of Pearl River, New York, on their 100th anniversary of fraternity and service to their community. The Athelstane Lodge has continued the Masonic tradition of promoting "morality in which all men agree, that is, to be good men and true."

The Masons, officially titled the Free and Accepted Masons, are one of the world's oldest and largest fraternal organizations, dating back to its foundation in England in the early 1700's. Throughout history the Masons have sought to bring men together of all race, religions and political ideology under the ideas of charity, equality, morality and service to God. Today the Masons have millions of members worldwide, including more than 2.5 million in

the United States. They have earned a reputation as highly respected businessmen, ministers and politicians. Such distinguished men as American statesman Benjamin Franklin, Composer Wolfgang Amadeus Mozart, French philosopher Voltaire and U.S. President George Washington have all been Brothers in the Masonic order.

My own association as a Brother with my fellow Masons has been a great influence on me throughout my career and in public life. Their moral values and ethical code have been an immeasurable help to guide me in making fair and just decisions in my responsibilities as a Member of this chamber.

Mr. Speaker, hopefully the Athelstane Lodge will continue its good works as a model organization and will continue to help those in need as well as continue to be an exemplary example of fraternal service to our communities for another 100 years.

#### TRIBUTE TO CAPTAIN DARRYL A. KELLY

#### HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 21, 2002*

Mr. CLYBURN. Mr. Speaker, I rise today to pay tribute to Captain Darryl A. Kelly of Society Hill, South Carolina, whose dedication to his duties as a national guardsman earned him the honor of being the first African American from South Carolina to receive the General Douglas MacArthur Leadership Award.

A Society Hill native, Captain Kelly received a Bachelor of Arts in Business Administration from Coker College and a Master's degree in Public Administration from Troy State University. He joined the National Guard in 1989, after seven years active duty in the Army, and commands Company "A", 151st Signal Battalion in Laurens, South Carolina. Captain Kelly is also a South Carolina Highway Patrol sergeant with thirteen years experience.

Captain Kelly will receive the General Douglas MacArthur Leadership Award on May 22, 2002, a distinction bestowed upon only seven Army National Guardsmen in the nation each year. He automatically qualified last month when he won the General James C. Dozier award, which recognizes the South Carolina National Guard's most outstanding company officer for leadership and quality of service. Captain Kelly is not only the first African American from South Carolina to receive the MacArthur Leadership award, but only the second South Carolinian to have this honor bestowed upon him.

Mr. Speaker, I ask that you and my colleagues join me in honoring Captain Darryl A. Kelly, a dedicated guardsman whose service and leadership should be commended. I congratulate him on his receipt of the General Douglas MacArthur Leadership Award and wish him good luck and Godspeed in his future endeavors.

#### IN RECOGNITION OF MICHAEL LAHEY

#### HON. JAMES P. MCGOVERN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 21, 2002*

Mr. MCGOVERN. Mr. Speaker, I rise today to recognize IRS Special Agent in Charge of Criminal Investigation, Michael Lahey, for his promotion to Director of the Review and Program Evaluation Section at IRS Headquarters in Washington, D.C.

Mr. Lahey began his career with the Internal Revenue Service in 1982 as a Special Agent in Miami, Florida. Through his dedication and hard work, Mr. Lahey was selected as the Branch Chief in Boston in 1997. He held that position until his selection as Special Agent in Charge for the Boston Field office in 2000.

As Special Agent in Charge for New England, his team of 140 IRS employees followed the money trail through a wide range of financial investigations. His team has examined cases involving tax evasion, narcotics trafficking, money laundering, public corruption, as well as healthcare and insurance fraud. As a direct result of asset forfeitures from IRS drug trafficking and organized crime cases, the people of Massachusetts have benefited greatly from the substantial sums that have been reinvested in state and local police departments during his tenure in the Boston office.

Mr. Lahey, a resident of Shrewsbury, Massachusetts, has been a strong supporter of sports programs for youngsters in his community. He has served as the Director of Minor League Baseball for the Little League and has coached for several years.

Mr. Speaker, I ask that you join me in congratulating Michael Lahey for his outstanding service with the Internal Revenue Service. I wish him the best of luck in his new position.

#### BOB STUMP NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2003

SPEECH OF

#### HON. PETER A. DeFAZIO

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 16, 2002*

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 4546) to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, and for military construction, to prescribe military personnel strengths for fiscal year 2003, and for other purposes;

Mr. DeFAZIO. Mr. Chairman, I rise today to continue my remarks about H.R. 4546, the fiscal year 2003 Department of Defense authorization act. In my previous remarks, I criticized the House Rules Committee for blocking all amendments, including five I drafted, that would have allowed the House to debate the wisdom of various weapons systems. I also detailed the rationale for my amendments to eliminate the Crusader artillery system.

In my remarks today, I want to discuss another weapons system—the Army's Comanche helicopter—that is behind schedule, over

budget, and unable to meet critical performance requirements.

In at least eight reports since 1986, the GAO has raised concerns about the Army's effort to develop its next generation light helicopter, now known as the Comanche.

Further, the Army itself has recognized problems with the Comanche program, which has been restructured five times since its inception. Previous restructurings have significantly delayed the development schedule, extended the production schedule, and reduced planned quantities.

I personally have been raising red flags about the Comanche program since the late 1990s. The first GAO report I requested on the Comanche was released in August 1999. This report identified a number of cost, quality control, and performance concerns about the Comanche program.

An updated report I requested from the GAO was released in June 2001. This report concluded that the concerns raised in the August 1999 report had only gotten worse.

It is not just the GAO that has raised concerns. The Director of Operational Test and Evaluation has also been critical of the Comanche.

I was pleased to see the House Armed Services Committee imposed a few conditions on the Army's Comanche helicopter program in H.R. 4546.

One of the conditions, a requirement that the Army reassess the cost and timeline of the Comanche program, is similar to what I proposed in an amendment last year.

The other condition, an annual report by the DOD Inspector General, is a useful step in providing for constant, independent oversight of the program.

However, I am concerned that the Committee did not go quite far enough in protecting taxpayers from runaway costs for a program GAO and others have consistently identified as failing to meet testing and performance goals.

The amendment I offered would have prohibited the Pentagon from awarding contracts for low rate initial production (LRIP) until the Secretary of Defense, in consultation with the Director of Operational Test and Evaluation, certified that the testing program has been rigorous enough to determine the program performs as expected in an operational environment, in other words, not just in computer simulation or laboratory tests. The amendment also required that the Comanche achieve key performance standards before contracts for LRIP could be awarded.

According to the June 2001 GAO report, a decision on whether to move forward with low rate initial production was expected in June 2005.

It is my understanding that in the year since the GAO report, the Comanche program has fallen even further behind schedule, and a LRIP decision now may not occur until 2008.

Some might argue that my amendment, therefore, was premature. I would argue that given the repeated mismanagement of the Comanche program, Congress must send the unmistakable message that the program will not advance toward production until timing, cost, quality, and performance concerns are all addressed to our satisfaction. My amendment would have sent that message.

Defense contractors push hard to get to LRIP decisions because, once they are over



that hump, they know it is nearly impossible to kill the program. That is why Congress needed to signal now that we have no intention of allowing the LRIP decision from being made until we are fully satisfied the Comanche will work as advertised and will be built within reasonable cost and time constraints.

I'd like to run down a few of the specific problems with the Comanche.

In August 1999, the GAO warned the Comanche faced significant risks of cost overruns, scheduling delays, and degraded performance primarily because the Army decided to (1) begin engineering and manufacturing development before key technologies had matured, (2) compress the flight-testing schedule, which increases concurrency between development and operational testing, and (3) begin initial production before completing operational testing.

In its most recent report, issued in June 2001, the GAO noted the problems identified in the August 1999 report have gotten worse. The GAO cites a range of concerns including understated acquisition program cost estimates; ambitious flight test schedules with substantial concurrency in test events; delays in another DOD program, the Joint Strike Fighter (JSF), which had been counted on to develop a critical component of the aircraft; inadequate facilities to fully test and integrate system hardware and software; and considerable growth in aircraft weight.

The program's total development and production cost estimate has increased by almost \$4.8 billion—from \$43.3 billion to \$48.1 billion. This includes a \$75 million increase in development costs and a nearly \$4.8 billion increase in production costs. As the GAO notes, these costs are likely to further escalate.

DOD's most recent cost estimate for the Comanche was done in April 2000. At that time, DOD's Cost Analysis Improvement Group estimated the Comanche would need an additional \$180 million for its engineering and manufacturing development phase. However, this money was not included in the April 2000 baseline.

Further, in January 2001, DOD added about \$504 million in funding to the Comanche program over the next few years. About \$84 million was earmarked for RDT&E, the remaining \$420 million was for production. These additional funds have not yet been reflected in the program's official cost estimates.

The Comanche program office also maintains a list of unfunded requirements that total \$68 million. According to the GAO, "The program office acknowledges that, unless additional funds are obtained, some yet-to-be-determined program performance requirements could be impacted."

The Comanche is also missing testing and production targets.

The GAO is particularly critical of the Comanche development and testing schedule, in which many crucial events come close together or concurrently in the late stages. The GAO specifically writes, "We have reported that when development work and low-rate initial production (LRIP) are done concurrently, significant schedule delays that cause cost increases and other problems are not uncommon in early production. Also, production processes are often not able to consistently yield output of high quality when full-rate production begins."

Before entering the LRIP stage, previous GAO work has shown successful commercial

firms already know that (1) technologies match customer requirements; that is, they can fit onto a product and function as expected, (2) the product's design meets performance requirements, and (3) the product can be produced within cost, schedule, and quality targets. According to GAO, "It is unlikely the Army will have this level of knowledge about Comanche" by the June 2005 LRIP decision date.

Specifically, the GAO notes "several critical subsystems—to be included in the mission equipment package—may not be available until development flight-testing is well underway. These subsystems are very complex state-of-the-art systems that have not been demonstrated on a helicopter platform like Comanche." The GAO goes on to warn "the Army's schedule for developing and testing software for the Comanche may not be completed prior to the full-rate production decision."

Failure to correct deficiencies prior to LRIP could lead to costly retrofits and repairs to aircraft already produced. As GAO wrote "To produce that many aircraft during low-rate initial production, the Army will have to ramp up its production capabilities rapidly and at a time when the aircraft design is still evolving as new subsystems are introduced and test results are evaluated."

The Comanche is also failing to meet performance requirements.

GAO says the Comanche is at risk of not achieving its rate of vertical climb requirement. The Comanche's ability to climb at a rate of 500 feet per minute is a key performance requirement as identified by the DOD itself. The Comanche's weight was a concern in the GAO's August 1999 report. The problem had only gotten worse by the time of the June 2001 report. The Comanche's empty weight had increased by 653 pounds—from 8,822 to 9,475—which threatens the vertical climb requirement.

GAO also says the Comanche is unlikely to complete the development and integration of its mission equipment package, which is needed to support a range of important functions including early warning, target acquisition, piloting, navigation, and communications.

GAO also warns the program is not successfully completing development of the system for detecting equipment problems. A critical component of the Comanche is its on-board fault detection system that can rapidly and accurately provide information about equipment problems. Without this system, the cost of maintaining the aircraft would increase. According to the Army, this system needs to be 75 to 95 percent accurate—75 percent for mechanical and electrical equipment and 95 percent for avionics and electronics equipment. However, the Comanche program office has concluded this requirement will be difficult to achieve within the current cost, weight, and packaging constraints and does not expect to achieve a mature fault detection and fault isolation capability until two years after initial fielding.

Finally, the GAO warns the Comanche is failing to achieve the "beyond-line-of-sight" communications capability needed to perform its mission. Satellite communications are essential to this reconnaissance capability. The Army was planning to rely on satellite communication technology that was being developed and miniaturized as part of the Joint Strike

Fighter program. However, the JSF has been delayed. The Comanche program office now believes it must develop its own satellite communication technology. GAO warns the development schedule "remains high-risk for the timely inclusion of this capability on the initially fielded Comanche helicopters."

Finally, the Pentagon's Director of Operational Test and Evaluation raised significant concerns about the Comanche in a 2000 report. Among the criticisms, the report said:

"It is highly unlikely that the Service can deliver the expected system performance within the current budget and schedule. Lacking an operational assessment of an integrated system, it is difficult to predict with any degree of confidence whether the individual subsystems can be successfully integrated, whether the subsystems will function properly in an operational environment, or whether, in concert, they will provide the anticipated benefits in operational performance."

"DOT&E's assessment of the Comanche's weight projections found several questionable areas, including overly optimistic expected weight reductions and questionable estimates of future weight growth."

"Overall, the Comanche has a risky test and evaluation strategy for integrating the MEP (mission equipment package) on the aircraft ... The resulting schedule compression allows little reserve in the timetable, thereby increasing the impact of unforeseen events/delays."

As the aforementioned warnings I've outlined from the GAO and the Pentagon's own Director of Operational Test and Evaluation make clear, Congress should not continue to pour money into the Comanche without regard to results.

Unfortunately, H.R. 4546 continues to sink billions of taxpayer dollars into weapons system of dubious utility and questionable performance.

## RECOGNIZING OLDER AMERICANS MONTH IN MAY

**HON. RON KIND**

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 21, 2002*

Mr. KIND. Mr. Speaker, I rise today in recognition of Older Americans Month, May 2002. The theme this year is America: A Community for All Ages, recognizing the national community in which we live, and paying tribute to the multi-generational family that is the strength of America.

Older members of our families and communities provide us with a historical perspective and contribute to our nation's greatness and prosperity. The experiences, stories, and knowledge of our senior citizens are integral to our understanding of our country and our world. To help preserve their stories I am proud to have authored legislation during the 106th Congress that created the Veterans History Project. The Veterans History Project is run by the Library of Congress, which coordinates a collection of video and audio recordings of the personal histories of American war veterans, as well as copies of their letters, diaries, and photographs. The library will also establish a publicly accessible archive for these recordings and documents.

Beyond this project, I have always strongly advocated for legislation that supports our Nation's seniors. Two of the most important

issues facing older Americans today are Social Security and prescription drug coverage under Medicare.

The solvency of Social Security is a serious concern for all Americans. I have consistently supported legislation that shores up and secures Social Security benefits for our older Americans. For example, I am an original cosponsor of H.R. 4671, the Social Security Widow's Benefit Guarantee Act. This bill would increase widows' and widowers' Social Security Benefits to 75 percent of the combined amount the couple had been receiving prior to the death of the spouse. In a typical case, a widow's benefit would increase by 12 percent, or more than \$100/month. The House just passed the Republican version of this bill, which is a good first step toward ensuring these benefits.

Similarly, the rising cost of prescription drugs is one of our most important health care challenges. Currently, senior citizens who pay for their own prescription medication pay more than twice as much for drugs than do the pharmaceutical companies' most favored customers. Exacerbating this problem is the fact that even though seniors use the most prescriptions, over 75 percent of seniors on Medicare lack reliable drug coverage.

Recently, both Republicans and Democrats have talked about introducing and passing legislation that provides prescription drug benefit under Medicare. I am working with my colleagues to craft legislation that would provide a voluntary Medicare prescription drug benefit, providing access for every senior no matter where they live or what their income.

Easy solutions to the high cost of prescription drugs and the solvency of Social Security do not exist. It is my hope that as the 107th Congress progresses, my colleagues will not forget about the needs of our older Americans, and will continue to work for legislation that preserves the benefits our Nation's seniors richly deserve.

HONORING DR. THOMAS MADDEN  
ON HIS RETIREMENT AS SUPER-  
INTENDENT OF LEMONT TOWNSHIP  
HIGH SCHOOL DISTRICT 210

### HON. JUDY BIGGERT

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 21, 2002*

Mrs. BIGGERT. Mr. Speaker, I rise today to recognize and honor Dr. Thomas Madden on his retirement as Superintendent of Lemont Township High School District 210. Since 1970, Dr. Madden has given his extraordinary talents and leadership as an educator to the students, faculty, and parents served by Lemont District 210. He has served with great distinction, and I am proud to highlight his outstanding record of accomplishments.

Under Dr. Madden's leadership, Lemont District 210 has witnessed dramatic growth and maintained an outstanding, quality education for students. Through his legislative initiatives and work with the National Association of Federally Impacted Schools, Dr. Madden has helped to secure a ten-fold increase in federal impact aid—money that has gone to the direct benefit of his students and schools. He also has led the effort to secure \$26 million in construction bonds, allowing Lemont

District 210 to build new schools and facilities to accommodate significant increases in enrollment and staff.

Dr. Madden is an active participant in all aspects of the community. He serves on several local and national boards, including the Lemont Chamber of Commerce, the Lemont Area Development Council, and the National Association of Federally Impacted Schools. Dr. Madden has helped to promote a community and region that is supportive of families and local business, making our part of Illinois one of the fastest growing suburban areas in the nation. Most importantly, Dr. Madden has helped to build an education system that ensures that today's students will meet the challenges of tomorrow's global economy.

Dr. Madden embodies the values we as a nation applaud in our educators—commitment, quality, strength of character, and skill—and he serves as an excellent example to the students throughout the 13th Congressional District. I have valued his thoughts and advice on meeting the challenges of public education. I know that Lemont School District 210 is better for his leadership and I join with the students, faculty, and community in thanking him for his service and wishing him a happy and productive retirement.

HONORING GERALDINE (JERRY)  
HENDERSON

### HON. SHELLEY MOORE CAPITO

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 21, 2002*

Mrs. CAPITO. Mr. Speaker, I rise today in recognition of Geraldine (Jerry) Henderson, owner of Henderson Training and Consulting, in the Second Congressional District of West Virginia. She also owns and operates "A Governor's Inn," which is a bed and breakfast, in Buckhannon, West Virginia. Ms. Henderson has achieved the title of Women in Business Advocate of the Year. The West Virginia District of the United States Small Business Administration, a leader in the promotion and growth of our state, gives this award annually.

Ms. Henderson began Henderson Training and Consulting of West Virginia to give advice to business people. She leads classes throughout the state dealing with small business issues such as staff development, supervisory techniques and placing emphasis on hospitality and responsibility to the community. Ms. Henderson embodies the values that created the American success story: self-reliance, hard work, perseverance and optimism. I commend her for her contributions to the West Virginia economy.

Successful small businesses not only serve as the backbone of the economy, they anchor communities and promote civic pride. I urge my colleagues to join me in celebrating Ms. Henderson's tremendous achievement as the West Virginia Small Business Administration's Women in Business Advocate of the Year.

TRIBUTE TO STEN ERIC WILLIAM  
CARLSON ON THE OCCASION OF  
HIS 90TH BIRTHDAY

### HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 21, 2002*

Ms. ESHOO. Mr. Speaker, I rise today to pay tribute to an extraordinary American and a distinguished Californian, Sten Eric William Carlson, who is celebrating his ninetieth birthday.

Born on June 27, 1912, in Fort William, Ontario, Canada, Sten Carlson is the son of Johanna and Pers, who migrated from Sweden to Canada in the late 1800s, settling on a farm in Saskatchewan. Sten left Canada for the United States in 1951 where he met Elizabeth, his wife of forty-five years. They are the proud parents of Eric, 44, and Frank, who died tragically at an early age.

An employee of United Airlines for more than twenty-five years, Sten Carlson retired in 1977. He also worked for MacDonald Aircraft, building the Mosquito aircraft, a premier low flying plane used in some of our nation's most critical missions.

Sten Carlson has always given generously of his time and his multitude of talents to the community, focusing much of his volunteer work on victim support groups. He is a lifetime member of Lodge 1781, IAM, and continues to serve as a member of the Board of Directors of the Retirees. A volunteer at Peninsula Medical Center for more than fifteen years, Sten has devoted many years of service to KQED.

Sten Carlson is a devoted husband and father with a strong moral sense of right and wrong. His lifetime of activities has centered on his family and his community. His is a life based on the most celebrated of American values . . . honesty, dependability, courage, loyalty, and love of family, friends and country.

Mr. Speaker, I ask my colleagues to join me in wishing Sten Carlson a happy 90th birthday. We are a better community, a better country and a better people because of him and all he has done.

### PERSONAL EXPLANATION

### HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 21, 2002*

Mr. OWENS. Mr. Speaker, yesterday I was unavoidably absent and missed rollcall votes 171, 172, 173. If present I would have voted "yea."

### NATIONAL CORRECTIONAL OFFICERS' WEEK

### HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 21, 2002*

Mr. BONIOR. Mr. Speaker, I rise today, during National Correctional Officers and Employees Week, to honor our correctional officers for the work they do to keep our families safe. We do not thank these men and women enough for their service to our communities.

Day after day, week after week, our correctional officers work one of the most dangerous patrols in the country. They devote themselves to keeping violent felons behind bars, ensuring that our families can feel safe in our homes and on our streets. We know from the number of correctional officers who die in the line of duty each year that this is a dangerous profession that requires courage, hard work, and professionalism.

Our correctional officers are people like Bonnie Johnson, a mother of six, who works over 50 hours a week in a prison in Jackson, Michigan. For almost 20 years, Bonnie has put her heart and soul into her job. Or Rodney Olsson—a correctional officer with the Michigan prison system for roughly 14 years. Rodney drives over 60 miles to get to and from work. These fine men and women work holidays, weekends, and double shifts. They deserve our support.

We need to do our part in the weeks and months ahead to pass legislation that will protect the safety and working conditions of correctional officers. We should act to prevent further privatization of our prisons, which puts both our officers and inmate populations at risk. We need to ensure that our correctional officers receive meaningful, reliable pensions, good benefits, and decent wages. And we should invest adequate resources in prison programs that provide constructive activities for inmates that reduce recidivism and prevent violence. The work of our correctional officers gets more and more difficult with each passing day. In my home state of Michigan, the prison population has grown 38 times faster than our general population. And records show our inmate population is getting more violent. I commend Michigan's correctional officers for staying committed to the job despite these additional challenges.

I urge my colleagues to support the resolution offered by Representatives Strickland, Sweeney, Horn, and Holden that officially recognizes National Correctional Officers and Employees Week. This resolution also requests that our President issue a proclamation urging citizens to honor our correctional officers and the work they do to protect us. We should pass this resolution without delay and give our correctional officers the respect they deserve for their service.

CONGRATULATING COLONEL  
DENNIS L. VIA

**HON. CHET EDWARDS**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 21, 2002*

Mr. EDWARDS. Mr. Speaker, I rise to recognize a great Army officer and soldier, Colonel Dennis L. Via, and to thank him for his contributions to the United States Army and to our country. On Thursday, June 13, Colonel Via will relinquish command of the 3rd Signal Brigade at Fort Hood, Texas for assignment to the Department of the Army's Office of the Deputy Chief of Staff for Programs, here in Washington, DC.

Colonel Via began his career in 1980, graduating from Virginia State University as a Distinguished Military Graduate and earning a commission as a 2nd Lieutenant in the U.S. Army Signal corps. He commanded troops as

a Signal Platoon Leader, Company Commander, and Battalion Commander before taking command of the 3rd Signal Brigade. Dennis has also served in staff positions from battalion level to the Department of the Army at numerous posts in the United States and Europe, and along the way found time to earn a Master's Degree at Boston University.

Dennis Via is a consummate professional whose performance personifies those traits of courage, competency and commitment that our nation expects and demands from its military leaders. It is with both regret and pride that we wish him Godspeed and good luck as he leaves Fort Hood for his new assignment.

It is important to note that every accolade to Dennis must also be considered a tribute to his family, his wife Linda and their two sons, Brian and Bradley. As a wife and mother, Linda has been a true partner in all of his accomplishments.

Dennis' career has reflected his deep commitment to our nation, and has been characterized by dedicated service, a profound respect for our soldiers and their families, and an absolute commitment to excellence. I ask Members to join me in offering our heartfelt appreciation for a job well done and best wishes for continued success to an outstanding soldier and a good friend—Colonel Dennis L. Via.

TRIBUTE TO ROBERT S. KIEVE

**HON. ZOE LOFGREN**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 21, 2002*

Ms. LOFGREN. Mr. Speaker, I rise to recognize the achievements of San Jose broadcaster Robert S. Kieve. I would like to recognize his efforts as a radio pioneer deeply dedicated to the idea of the media providing a community service. He will be honored with the Spirit of San Jose Award on Monday, May 20, 2002.

Since 1967, Kieve had been one of the "mom and pop" owners holding out against large conglomerates, demonstrating the value of local ownership through his editorials, community involvement and loyalty to employees—who own 25 percent of his broadcasting company, Empire Broadcasting. In recently selling one of his radio stations, Kieve shared those profits with his employees in an usual and caring move for the business . . . but not for him.

Kieve, a former Eisenhower speechwriter, has been a pioneer in hiring women in an industry that women are dramatically underrepresented.

He has, for thirty years, been an outspoken, committed and vital force in San Jose, always willing to offer his opinions and provide a forum for others to share theirs.

Always willing to try something new, Kieve recently started three Internet radio stations featuring Beethoven, traditional country and big band.

Kieve will continue to operate two stations, KRTY-FM and KLIV-AM after his recent sale of KARA-FM, a San Jose institution, and will use a portion of the profits to help create a charitable foundation.

I am proud and grateful to thank Robert S. Kieve for reminding us all that one person can truly make a difference in the lives of many.

MONSIGNOR GEORGE C. HIGGINS:  
AMERICA'S LABOR PRIEST

**HON. JOHN J. LaFALCE**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 21, 2002*

Mr. LaFALCE. Mr. Speaker, America lost its preeminent "labor priest" on May 1st when Monsignor George C. Higgins died at the age of 86 after a half-century career in the Nation's Capital devoted to the cause of social justice and the rights of labor. As head of the Catholic Bishop's Social Action Department for 35 years, Msgr. Higgins was an influential church figure and respected authority on the labor movement who dedicated his life to promoting the rights of workers around the world.

No one did more to advance the church's social teachings on a just economy and the rights of working people. Msgr. Higgins brought the church and labor closer together by showing working men and women that the church's social teaching was on their side—that work must be valued and workers honored, and that a just society demands that workers have the right to organize and bargain collectively.

Generations of American workers—who never knew his name—owe Monsignor Higgins a debt of gratitude for devoting his life to fighting injustice and defending their rights.

I would like to insert in the RECORD for the benefit of my colleagues the following statements by the US Conference of Catholic Bishops and by AFL-CIO President John Sweeney on Msgr. Higgins death, and an essay by E.J. Dionne entitled "The Great Monsignor."

MSGR. GEORGE HIGGINS, DEAN OF CHURCH  
SOCIAL ACTION MOVEMENT, DIES

WASHINGTON (May 1, 2002).—Msgr. George G. Higgins, the "labor priest" who was generally regarded as the dean of the U.S. Church's social action ministry for the last half century, died May 1 at the age of 86.

After a long illness, Msgr. Higgins died at the home of his sister, Bridget Doonan, in LaGrange, Illinois, his native city. He had returned to LaGrange in January to speak at St. Francis Xavier Church, the parish in which he was raised. After delivering the talk on January 19, he fell ill with a severe infection and was hospitalized for a period of three months.

"Msgr. George Higgins was without parallel the authority on the Church's social teaching and on labor-management issues," said Bishop Wilton D. Gregory, President of the United States Conference of Catholic Bishops (USCCB). "He was a forceful and articulate figure in the Church and a major influence on the lives of several generations of Catholics dedicated to the cause of social justice. He was, above all, a good and dedicated priest. I pray for the repose of his soul and for the consolation of his family and the many persons in all walks of life to whom he will always be a vibrant and lasting inspiration."

A priest of the Archdiocese of Chicago, who spent 60 years of his life working in the nation's capital, Msgr. Higgins was probably the best known and most influential priest in the United States. He was widely admired within the Church and in the secular realm for his knowledge of the labor movement, ecumenism, Catholic-Jewish relations and many other fields, and for his talents as a skillful negotiator.

"The best informed priest in the United States," as U.S. Church historian John

Tracy Ellis once described him, Msgr. Higgins was an advisor to labor leaders and presidential commissions, a friend to bishops and to everyday Catholic people. Above all, he was a champion of ordinary men and women and of the workers' right to organize.

He headed the Social Action Department of the Catholic Bishops' Conference for 35 years, and his syndicated column, "The Yardstick," appeared in Catholic papers from 1945 until he penned his last piece in September, 2001, by which time macular degeneration had seriously impeded his vision. By then he had written nearly 3,000 columns. Most were on some aspect of the labor movement but his range of topics was vast. He had a special interest in Catholic-Jewish relations.

Msgr. Higgins was ordained a priest of the Archdiocese of Chicago in 1940. He came to Washington to study at the Catholic University of America, where he earned a doctorate in economics and political science, and took on a supposedly temporary position with the Social Action Department of the National Catholic Welfare Conference, as the United States Conference of Catholic Bishops (USCCB) was then known. The following year he became assistant director of the department and, in 1956, its director.

While guiding that office, he used his column to teach on a wide variety of topics important to the Church, while using his personality and old-fashioned political skills to mediate labor disputes from coast to coast. He counseled Cesar Chavez and the United Farm Workers, and was a mediator between workers and growers in California and the Midwest. For 35 years he was chairman of the United Auto Workers' Public Review Board, an agency that handles grievances between rank and file workers and the union.

Msgr. Higgins was a peritus (expert) at all four sessions of the Second Vatican Council (1962-1965) and was on the preparatory commission which drafted the council's laity document, the first U.S. priest to receive such an assignment. He became one of the best known interpreters of the Council to the English-speaking world as a daily member of the U.S. Bishops' press panel. After retiring from the Bishops' Conference in 1980, Msgr. Higgins was an adjunct lecturer in the Theology Department of the Catholic University of America, 1980-1994, and later professor emeritus.

Msgr. Higgins received the Presidential Medal of Freedom in White House ceremonies in 2000. The previous year he was awarded the Laetare Medal, the highest honor given by the University of Notre Dame.

In June, 2001, the International Catholic-Jewish Liaison Committee (sponsored by the Holy See and the International Jewish Committee for Interregligious Consultations) honored Msgr. Higgins as one of the great pioneers of the dialogue worldwide.

A dinner planned as a tribute to Msgr. Higgins last September 11 was postponed, but a reception in his honor was held two months later at the time of the U.S. Bishops' fall meeting. It was co-hosted by Bishop Joseph A. Fiorenza, then President of the Bishops' Conference, and Mr. John Sweeney, President of the AFL-CIO.

The Mass of Christina Burial will be celebrated on Tuesday, May 7, at Holy Name Cathedral in Chicago. A visitation and Liturgy of the Eucharist will be celebrated at St. Francis Xavier, La Grange, May 6.

STATEMENT BY AFL-CIO PRESIDENT JOHN J. SWEENEY UPON THE PASSING OF MSGR. GEORGE HIGGINS

How like Msgr. George Higgins for his last day on earth to have been on the Feast of St.

Joseph the Worker—and International Worker's Day!

Throughout his entire life, this "labor priest," as we fondly and admiringly referred to him, fought for and lifted the lives of working men and women—hundreds of thousands of them. Wherever working people were joining together to build a better life, George Higgins was there. He prayed with striking miners in Wyoming, celebrated an organizing victory with meat cutters in Texas, stood with hospital workers and mediated between farm workers and grape growers in California, and testified on Catholic social teaching in a case before the Education Labor Relations Board in Illinois.

More than any other American in the 20th century, Msgr. Higgins argued that Christian beliefs must prominently include the notion that work must be valued and workers honored. His preaching on Catholic social teaching educated generations of leaders within his church and helped them apply the justice Gospel in their own areas.

And for more than 60 years, Msgr. Higgins championed the right of working men and women to join freely in unions to improve their lives, giving unrelenting energy and effort and vision and wisdom to American's unions, in good as well as challenging years.

One venue for his inspiration was AFL-CIO conventions, at which he delivered invocations for more than 20 years. In 1999, in the opening invocation at the community convocation preceding our Los Angeles convention, he spoke of his belief in organizing as a path of justice:

"We will not have a decent society in the United States until a much larger percentage of the workers are organized into unions," he said.

Msgr. Higgins was a certain force in bringing labor and the church closer together, and his efforts over many years laid the ground work for the strong and growing partnership between the union movement and the National Interfaith Committee for Worker Justice.

And while his preaching of the justice Gospel won him well-deserved praise, his pastoral attention to working families was also remarkable: many who suffered disappointment or disillusion were uplifted by his resolute faith in the reign of God and hopefulness in God's ultimate triumph over injustice. When I visited with him last Saturday I was struck by the gifts Msgr. Higgins had given to so many of us who were privileged to know him.

All workers—whether they are farm workers, health care workers, poultry workers, steel workers, immigrants, people of color, whites, Catholic, Jewish, Muslim or Protestant—owe a debt of gratitude to Msgr. Higgins.

So while we are saddened by his passing, we are—even more so—ever mindful of and deeply grateful for the conscience, courage, intellect and love that Msgr. George Higgins committed to America's workers and America's unions.

#### THE GREAT MONSIGNOR

(By E.J. Dionne Jr.)

There is no such thing as a timely death. But just when you thought all the stories on American priests were destined to be about evil committed and covered up, one of the truly great priests was called to his eternal reward.

Monsignor George G. Higgins was the sort of Catholic clergyman regularly cast as a hero in movies of the 1940s and '50s. He was an uncompromising pro-labor priest who walked picket lines, fought anti-Semitism, supported civil rights and wrote and wrote and wrote in the hope that some of his argu-

ments about social justice might penetrate somewhere.

He got attached to causes before they became fashionable, and stuck with them after the fashionable people moved on. Cesar Chavez once said that no one had done more for American farm workers than Monsignor Higgins. In the 1980s, he traveled regularly to Poland in support of Solidarity's struggle against communism and became an important link between American union leaders and their Polish brethren.

As it happens, even the day of Monsignor Higgins's death, at the age of 86, was appropriate. He passed from this world on May 1, the day that many countries set aside to honor labor and that the Catholic Church designates as the Feast of St. Joseph the Worker.

If Higgins had been there when that famous carpenter was looking for a place to spend the night with his pregnant wife, the monsignor would certainly have taken the family in. He would also have handed Joseph a union card, told him he deserved better pay and benefits, and insisted that no working person should ever have to beg for shelter.

Yes, Higgins sounds so old-fashioned—and in ever good sense he was—that you might wonder about his relevance to our moment. Let us count the ways.

One of the most astonishing and disturbing aspects of the Catholic Church's current scandal is the profound disjunction—that's a charitable word—between what the church preaches about sexuality and compassion toward the young and how its leaders reacted to the flagrant violation of these norms by priests.

Higgins, who spent decades as the Catholic Church's point man on labor and social-justice issues, hated the idea of preachers' exhorting people to do one thing and then doing the opposite. And so he made himself into a true pain for any administrator of any Catholic institution who resisted the demands of workers for fair pay and union representation.

"These men and women mop the floors of Catholic schools, work in Catholic hospital kitchens and perform other sometimes menial tasks in various institutions," he once wrote. "They have not volunteered to serve the church for less than proportionate compensation."

"The church has a long history of speaking out on justice and peace issues," he said. "Yet only in more recent times has the church made it clear that these teachings apply as well to the workings of its own institutions."

Where some religious leaders complain that they get caught up in scandal because they are unfairly held to higher standards, Higgins believed that higher standards were exactly the calling of those who claim the authority to tell others what to do.

It bothered Higgins to the end of his life that the cause of trade unionism had become so unfashionable, especially among well-educated and well-paid elites. For 56 years, he wrote a column for the Catholic press, and he returned to union issues so often that he once felt obligated to headline one of his offerings: "Why There's So Much Ado About Labor in My Column."

His answer was simple: "I am convinced that we are not likely to have a fully free or democratic society over the long haul without a strong and effective labor movement."

To those who saw collective bargaining as outdated in a new economy involving choice, mobility and entrepreneurship, Higgins would thunder back about the rights of those for whom such a glittering world was still, at best, a distant possibility: hospital workers, farm workers, fast-food workers and others who need higher wages to help their children

reach their dreams. He could not abide well-paid intellectuals who regularly derided unions as dinosaurs, and he told them so, over and over.

It is one of the highest callings of spiritual leaders to force those who live happy and comfortable lives to consider their obligations to those heavily burdened by injustice and deprivation. It is a great loss when such prophetic voices are stilled by scandal and the cynicism it breeds. Fortunately, that never happened to Higgins. He never had to shut up about injustice and, God bless him, he never did.

#### PAYING TRIBUTE TO DAVE SARTON

#### HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 21, 2002*

Mr. McINNIS. Mr. Speaker, it is my honor today to recognize Dave Sarton for his contributions to the State of Colorado. As a member of the Board of Directors of the South-eastern Colorado Water Conservancy District for sixteen years, he is moving his talents and experience to other endeavors. Dave has been an integral part of securing and distributing Colorado's most precious resource, water. As he reflects on his service to a grateful board, community, and state, I would like to commend him for his efforts to improve the lives of his fellow Coloradans.

Dave has proven himself a valuable community, business, and governmental leader over the years and has served on countless committees in support of his community and state. He has served on the Colorado Springs City Council, on the Energy and Environment Committee of the National Association of Regional Councils, as director of the Colorado Springs Department of Public Utilities, as director and chairman of the Pikes Peak Area Council of Government, as president of Sunset Sertoma Club, as chairman of the El Paso Task Force on Alcoholism, as chair of the ARK Board of Directors, and as vice-chair of the Colorado Springs Chamber of Commerce. In addition to his community duties, he is a proud business owner and operates a quality service for Colorado Springs as the president of Sperry & Mock/The Floor Store, Inc.

Mr. Speaker, I am proud to bring the accomplishments and achievements of David Sarton before this body today. His leadership, hard work, and dedication to improving the lives of his fellow Coloradans is an example for all aspiring community leaders and it is for this reason that I wish to bring his accomplishments before this body of Congress, and nation. Thank you for all your hard work Dave, I wish you all the best, and good luck in your future endeavors.

#### TRIBUTE TO MARY ANN KIRK

#### HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 21, 2002*

Mrs. MORELLA. Mr. Speaker, as Mary Ann Kirk prepares to leave Maryland to join her family in Colorado, I salute her lasting con-

tribution of public service to our State during the past fifty years.

Standing side by side with her children throughout their educational process, she also provided top leadership in the Montgomery County Heart Association; chaired numerous political and charitable fund raisers; and tutored elementary school children and political refugees in the ways of freedom in American democracy.

In 1978, she spearheaded landmark legislation in the Maryland General Assembly which created the Maryland Values Education Commission, and, as Vice Chairwoman, chaired its subcommittee work for four years. This Commission devised a list of 18 Character and Citizenship values affirmed by the Maryland Attorney General as Constitutionally sound for teaching in our schools, and served as a foundation, an impetus, for character/citizenship education efforts across our Nation. Today, there is an Office of Character Education within the Maryland State Department of Education and flourishing, growing, programs throughout the State—a direct result of Mary Ann Kirk's visionary work.

In 1978, when the Maryland General Assembly passed this landmark legislation, Senator Jennings Randolph (DWP) noted its passage in the CONGRESSIONAL RECORD. He ended his remarks with these words: "The State of Maryland will be the first to create a Values Education Commission. The flame of faith is now aglow in 'The Free State.' May other States see the light and feel its warmth."

In 1986, she organized and coordinated Maryland's observance of the Bicentennial of the U.S. Constitution with the establishment of the FEDERALIST Foundation. This private/public partnership with Maryland State Archives recreated the beautiful, seaworthy Federalist, a 15-foot ship built in 1788 to honor Maryland's role as the seventh state to ratify the Constitution, and later sailed to Mount Vernon as a gift to George Washington. Two hundred years later, a horse drawn Federalist represented Maryland in Philadelphia's national Bicentennial parade; and, today, when not traveling to communities across the State to teach about the Constitution, resides under the dome of our State capitol in Annapolis—ever ready to convey our rich history to this and future generations.

In 1997, Mary Ann Kirk was honored by Governor Parris Glendening and the Maryland General Assembly as Maryland's Mother of the Year. She leaves Maryland as immediate past president of the Maryland Association of American Mothers, Inc., the official sponsor of Mothers Day.

We will miss her and wish her well. Maryland's loss is Colorado's gain.

#### INTRODUCING A BILL TO PROVIDE IMPACT AID FUNDING FOR MICRONESIAN CHILDREN

#### HON. PATSY T. MINK

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 21, 2002*

Mrs. MINK of Hawaii. Mr. Speaker, today I introduce a bill to provide Impact Aid funding for Micronesian children living in the United States. You might ask why should we? What is their special status that justifies this payment?

The Compact of Free Association negotiated by the DoD and the State Department with the Republic of the Marshall Islands and the Federated States of Micronesia in 1985, and with the Republic of Palau in 1986, enhanced the security of our nation. The Compact of Free Association gives the United States authority over security and defense matters in this region. It prevents other countries from entering into military alliances with the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau. Such military alliances could threaten the security of our nation.

In the period between 1918 and 1941, foreign powers did occupy these islands. And as history will recall, many WWII battles were fought in the islands fortified and occupied by Japan. After WWII the United States took over jurisdiction, and we inflicted grave harm to many of the islands' residents when the U.S. military tested 66 atomic and hydrogen bombs between 1946 and 1958. The long lasting effects of these tests are still felt by people living at Bikini, Eniwetok, and other atolls, and many have moved to the United States to live and to find health care.

In exchange for the sacrifices they have made in the Compact of Free Association, the United States allows citizens of the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau to freely enter the United States without visas as nonimmigrant residents within the parameters laid out in the Compact of Free Association. Their status is as "habitual" residents which places them in limbo and for example, they can not qualify for food stamps.

According to the 2000 Census, 115,247 Micronesians are living in the United States. Many of these families live in low income or public housing, which does not provide local schools with the funds they need to educate Micronesian children. Our public schools accept the financial burden for educating Micronesian children, even though the federal government created this obligation and should pay for it.

Our nation is responsible for the education of these children in exchange for the military benefits our nation currently receives from Micronesia. Our government must take a more active role and help pay for these children's education. It's unfair to make these innocent children unwelcome pawns of our national defense policy.

My bill will treat Micronesian children living in the United States as military dependents and consequently allow schools to count them for the purpose of obtaining Impact Aid funding. It will give local schools the extra funds needed to ensure other children in their district do not pay for the cost of our defense strategy.

I urge my colleagues to cosponsor this bill and fulfill the obligation created by the Compact of Free Association.

#### THE 121ST ANNIVERSARY OF THE AMERICAN RED CROSS

#### HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 21, 2002*

Mr. HOYER. Mr. Speaker, Clara Barton, a true visionary in American history, once stated: "I have an almost complete disregard of

precedent, and a faith in the possibility of something better. It irritates me to be told how things have always been done. I defy the tyranny of precedent. I go for anything new that might improve the past." Her motivation as well as her devotion to humanity led Clara Barton to found the American Red Cross in 1881.

Today we celebrate the 121st anniversary of the American Red Cross, which is one of the most renowned charitable organizations in our nation. It is made up of over a million Red Cross volunteers who provide much needed relief services to families, communities and countries around the world in times of crisis.

When unexpected disasters hit, the Red Cross is prepared. For example, the American Red Cross coordinates the collection of blood and ensures that the safest blood is available to save the lives of our armed service members and lives in over 5,000 hospitals across the country.

Internationally, the Red Cross has been active in helping millions of people fight malnutrition and communities gain access to such basic and vital needs as safe drinking water.

Each year, the American Red Cross quickly responds to more than 67,000 disasters, including transportation accidents, house fires, hurricanes, floods, earthquakes, and tornadoes.

One instance of the Red Cross's exemplary and timely response to a disaster was after a lethal tornado tore through my District in Southern Maryland on April 28th. Without delay, the Red Cross was on the scene to provide help after one of the fiercest tornado disasters ever on the East Coast.

Approximately 230 Red Cross volunteers poured in from across the nation to join 100 local volunteers. They worked tirelessly to help community members in their time of need by quickly erecting shelters and administering food, clothing, emergency medication and grief counseling.

As I walked through the streets of La Plata, stepping over the wires, rubble and debris of the once vibrant community, it was evident that there was a lot of work ahead for residents to overcome this tragedy. Fortunately, as a result of help from service organizations like the Red Cross, government officials and agencies, and citizens, it is clear that La Plata will rebuild and come back stronger than ever.

The Charles County Red Cross Chapter is a shining example of the dedication of the Red Cross, and why La Plata will persevere and once again thrive. The same evening that the tornado completely wiped out the Chapter building and all of their resources in La Plata, the Red Cross leaders and volunteers set up a temporary Disaster Operation Center in a vacant store building in Waldorf.

Since 1917, the county's Chapter has been instrumental in providing disaster preparation and care services. The Chapter plans to rebuild, just like the La Plata community will rebuild, and continue to dedicate time and energy to the citizens of La Plata.

The American Red Cross, since it was founded, has been instrumental in relieving the suffering and the saving lives of our local, national and international communities.

And thus it's with great gratitude and honor that I commend the American Red Cross today on its 121st anniversary. On behalf of the citizens of the 5th Congressional District of Maryland, who were affected by this most re-

cent natural disaster, as well as the millions of Americans whose lives have been bettered by this wonderful organization, I wish it only the best in the years to come.

#### PAYING TRIBUTE TO ST. JOHN NEUMANN CATHOLIC SCHOOL

#### HON. SCOTT MCINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 21, 2002*

Mr. MCINNIS. Mr. Speaker, it is with great honor I take this opportunity to recognize St. John Neumann as an institute of education, dedicated to providing a firm foundation for its community's youth. Established in 1977 in Pueblo Colorado, St. John became the new beacon of light for all who sought to provide their children with the option of a private education. It is with highest praise that I recognize St. John's 25th year of operation.

Each day, 230 students convene to mature and study in an atmosphere which embraces every child's eagerness to learn. Instructors provide a one-on-one relationship with students, tailoring the instructor's dexterity to the child's ability. Additionally, St. John promotes parental involvement in their child's education, and seeks to provide an atmosphere comparable to that of a family gathering.

Marking St. John Neumann's 25th anniversary of operation, this year's graduating class will be prepared for the journey ahead, confidently supported by a firm education at an extraordinary school. Many senior administrators have watched St. John grow and develop into a distinguished, highly acclaimed establishment within its community.

Mr. Speaker, it is with great pleasure that I applaud an institution which provides its community with the groundwork to build a better future. St. John Neumann strengthens the integrity and character of each of its students. I commend the hard work and diligence which the faculty, community, and students have contributed to place St. John Neumann Catholic School amongst the leaders in education today.

#### VETERANS APPRECIATION MONTH

#### HON. EDWARD R. ROYCE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 21, 2002*

Mr. ROYCE. Mr. Speaker, I rise today to express my sincere gratitude and appreciation to the hundreds of thousands of men and women who have bravely served their country in the Armed Forces, protecting freedom for all Americans.

Veterans earn a great number of positive qualities through their service, including experience, maturity, leadership and loyalty, which make them valuable and competitive candidates for employment.

The residents of the State of California and I are committed to ensuring that our nation's Veterans are treated with the respect that they deserve, and to promoting employer interest in hiring those individuals who have selflessly given their time in service of their country.

In my home state, May 2002 is "Veterans Appreciation Month," and I would like to take

this opportunity to bring the benefits of hiring veterans to the attention of all American employers.

I thank our country's veterans for their sacrifices, applaud employers who hire these courageous men and women, and I yield back the balance of my time.

#### PERSONAL EXPLANATION

#### HON. XAVIER BECERRA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 21, 2002*

Mr. BECERRA. Mr. Speaker, on Monday, May 20, 2002 I was unable to cast my floor vote on rollcall Nos. 171, 172, and 173. The votes I missed include rollcall vote 171 on Suspending the Rules and Agreeing to H. Con. Res. 314; rollcall vote 172 on Suspending the Rules and Agreeing to H. Con. Res. 165; and rollcall vote 173 on Suspending the Rules and Agreeing to H. Con. Res. 309.

Had I been present for the votes, I would have voted "aye" on rollcall votes 171, 172, and 173.

#### PERSONAL EXPLANATION

#### HON. ANTHONY D. WEINER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 21, 2002*

Mr. WEINER. Mr. Speaker, I was unavoidably detained in my District on Tuesday, May 20, 2002, and I would like the record to indicate how I would have voted had I been present.

For rollcall vote No. 171, the resolution recognizing the members of AMVETS for their service to the Nation and supporting the goal of AMVETS National Charter Day, I would have voted "aye."

For rollcall vote No. 172, the resolution expressing the sense of the Congress that continual research and education into the cause and cure for fibroid cancer be addressed, I would have voted "aye."

For rollcall vote No. 173, the resolution Recognizing the Importance of Good Cervical Health and of Detecting Cervical Cancer During its Earliest Stages, I would have voted "aye."

#### PAYING TRIBUTE TO FRUITA MONUMENT HIGH SCHOOL

#### HON. SCOTT MCINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 21, 2002*

Mr. MCINNIS. Mr. Speaker, it is with great honor I take this opportunity to pay tribute to Fruta Monument High School in Fruta, Colorado for their incredible acts of patriotism and loyalty. After the tragic events of September 11, 2001, Monument High honored the bravery of our American citizens by creating a beautiful, patriotic mosaic. Today I applaud the spirit and dedication of the students and faculty of Monument High, and I recognize the efforts and achievements of such artists.



Standing eight feet tall, by eight feet wide, and weighing 500 pounds, "United We Stand" encompasses the ideals of America's freedoms and liberties. The finished mosaic illustrates the talent and hard work supplied by each student and it serves as a marvelous addition to any art display. Near Ground Zero in New York City will be its final destination, and its new home will be in Desoto Elementary School. Earning its creators numerous awards, "United We Stand" has touched all who have the privilege of viewing its meaningful message.

Mr. Speaker, I honor Fruita Monument High School with sincerity because they have taken the time to honor the true heroes of our nation. Today, I recognize "United We Stand" as an inspiring work of art before this body of Congress and this nation. Additionally, I recognize its nine incredible artists as esteemed patriots to our nation. It is my hope that all may some day admire this mosaic and remember it as a memorial, created to honor those who gave their life for our country.

#### DRAGON BOAT RACING

### HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 21, 2002*

Mrs. MORELLA. Mr. Speaker, this Memorial Day weekend Washington will see the traditional Taiwanese sport of dragon boat racing right here on the Potomac River, featuring eight magnificent Taiwan-built dragon boats. Each boat is fully equipped with dragonhead and tail, paddles, steering oar and drum, and holds a crew of 23. Some 40 teams, including those from the D.C. Police Department, Harbor Patrol Officers, and congressional staff members will compete in the race on Saturday, May 25, and on Sunday, May 26, 2002. Prior to the start of the race, there will be a traditional opening ceremony at 11 a.m., on Saturday, May 25, at Georgetown's Thompson Boat Center. The opening ceremony will be highlighted by the dotting of the dragon's eye. Mayor Anthony Williams, Chairwoman Linda Cropp of the D.C. City Council, Representative C.J. Chen of the Taipei Economic and Cultural Representative Office and other community leaders will dot the dragon's eye, a ceremony to ensure good luck and fortune.

Mr. Speaker, I am pleased to see the Dragon Boat Festival Committee has put together such a wonderful dragon boat-racing program

this Memorial Day weekend. Dragon boat races are held around the world, particularly in Taiwan, Singapore, Hong Kong, and many other Asian countries. The race demonstrates wonderful team spirit, pageantry, and fun for people young and old. Coincidentally, this event celebrates Taiwanese American Heritage Week in the month of May. Furthermore, this event also shows the friendship of Taiwanese Americans for the people not only of Washington, DC, but of the entire Metropolitan area. Their sincere desire to introduce Taiwanese culture to American society must be acknowledged and appreciated. It is my hope that this dragon boat race will attract many more tourists to the Washington, DC, area.

My congratulations to the Dragon Boat Festival Committee. This is a unique opportunity for all of us to celebrate the Dragon Boat Festival and to learn about the many distinguishing aspects of Taiwanese culture and heritage.

#### PAYING TRIBUTE TO LYLE NICHOLS

### HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 21, 2002*

Mr. McINNIS. Mr. Speaker, I would like to take this opportunity to pay tribute to Lyle Nichols of Clifton, Colorado. Lyle is an extraordinary individual who devotes countless hours to admiring and preserving life's beauties. Lyle is an exceptionally talented artist, and today I applaud the talents he adds to our community.

Lyle is an individual who collects assorted bird nests, and scrap debris he discovers. He is also an artist of many sculptures that are admirable in their magnificence. His collection is substantial in size and it grows continuously with every sculpture. These self-created masterpieces sit, kneel, and stand in and around his home, in particular a 14-ton statuette arching over his front lawn. Lyle is truly a talented individual, whose amazing talents have connected his passion for art to every individual who comes to admire his work.

Mr. Speaker, I would like to express my appreciation towards Lyle for allowing us the pleasure to admire his beautiful creations. It is with great honor I proudly recognize Lyle Nichols as an artist before this body of Congress and this nation. I commend Lyle's artistic abilities, and praise his contributions, which assist in enhancing his community's future.

#### PAYING TRIBUTE TO PETER COORS

### HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 21, 2002*

Mr. McINNIS. Mr. Speaker, it is an honor to recognize the contributions and achievements of Peter H. Coors. As chairman of Coors Brewing Company and the President/CEO of Adolph Coors, he is a shining example of personal success and civic responsibility.

A native resident of Golden, Colorado, Peter, known as Pete, has continued to lead his family's brewery in a manner befitting its fine reputation. As the head of this company, Pete provides the leadership and vision needed to bring this family tradition into the twenty-first century. His positions on the boards of directors of companies like US Bancorp, Inc., H.J. Heinz Company, and the Energy Corporation of America are a reflection of the respect that Pete has earned from his colleagues. Pete is also a member of the International Chapter of the Young Presidents Organization. Pete is a true Coloradan in his business and in his nature: he can often be found outdoors appreciating the beauty and splendor of Colorado.

In addition to Pete's contributions to Colorado's economy, he has also given his time and energy to humanitarian causes as well. He is on the executive board of the Denver Area Council of the Boy Scouts of America, a member of the National Western Stock Show Association executive committee, and a trustee for the Seeds of Hope Foundation. Pete, who has a MBA degree, knows the value of higher education and remains active as a trustee of the University of Northern Colorado and a member of Denver University Daniels School of Business' Advisory Board. Most importantly Pete is the husband of his wife Marilyn and is a father to his six children.

Mr. Speaker, it is an honor and privilege to bring to light the excellence of Pete Coors to this body of Congress and this nation. In every aspect of his life Pete has excelled to the highest level of achievement. He has no doubt touched many lives through his civic work and leadership in our country and will continue to do so in the future. On behalf of this nation, thank you Pete for all that you have done and good luck in your future endeavors.

## SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, May 23, 2002 may be found in the Daily Digest of today's RECORD.

## MEETINGS SCHEDULED

JUNE 6

2:30 p.m.

Energy and Natural Resources  
Water and Power Subcommittee

To hold hearings on S. 1310, to provide for the sale of certain real property in the Newlands Project, Nevada, to the city of Fallon, Nevada; S. 2475, to amend the Central Utah Project Completion Act to clarify the responsibilities of the Secretary of the Interior with respect to the Central Utah Project, to redirect unexpended budget authority for the Central Utah Project for wastewater treatment and reuse and other purposes, to provide for prepayment of repayment contracts for municipal and industrial water delivery facilities, and to eliminate a deadline for such prepayment; S. 1385, to

authorize the Secretary of the Interior, pursuant to the provisions of the Reclamation Wastewater and Groundwater Study and Facilities Act to participate in the design, planning, and construction of the Lakehaven water reclamation project for the reclamation and reuse of water; S. 1824/H.R. 2828, to authorize payments to certain Lama Project water distribution entities for amounts assessed by the entities for operation and maintenance of the Project's irrigation works for 2001, to authorize funds to such entities of amounts collected by the Bureau of Reclamation for reserved works for 2001; S. 1883, to authorize the Bureau of Reclamation to participate in the rehabilitation of the Wallowa Lake Dam in Oregon; S. 1999, to reauthorize the Mni Wiconi Rural Water Supply Project; and H.R. 706, to direct the Secretary of the Interior to convey certain properties in the vicinity of the Elephant Butte Reservoir and the Caballo Reservoir, New Mexico.

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# Daily Digest

## HIGHLIGHTS

House Committees ordered reported 24 sundry measures.

The House agreed to the conference report on H.R. 3448, Bioterrorism Preparedness Act.

The House passed H.R. 3129, Customs Border Security Act.

## Senate

### Chamber Action

*Routine Proceedings, pages S4657–S4739*

**Measures Introduced:** Sixteen bills and one resolution were introduced, as follows: S. 2538–2553, and S. Res. 274. **Pages S4702–03**

#### Measures Reported:

S. 361, to establish age limitations for airmen, with amendments. (S. Rept. No. 107–154)

S. 2551, making supplemental appropriations for further recovery from and response to terrorist attacks on the United States for the fiscal year ending September 30, 2002. **Pages S4701–02**

#### Measures Passed:

**Export-Import Bank Authority:** Senate passed H.R. 4782, to extend the authority of the Export-Import Bank until June 14, 2002, clearing the measure for the President. **Page S4733**

**“Robert J. Dole VA Medical and Regional Office Center”:** Senate passed H.R. 4608, to name the Department of Veterans Affairs Medical and Regional Office Center in Wichita, Kansas, as the “Robert J. Dole Department of Veterans Affairs Medical and Regional Office Center”, clearing the measure for the President. **Page S4733**

**“Bob Hope Veterans Chapel”:** Senate passed H.R. 4592, to name the chapel located in the national cemetery in Los Angeles, California, as the “Bob Hope Veterans Chapel”, clearing the measure for the President. **Page S4733**

**Veterans’ Memorial Preservation and Recognition:** Senate passed S. 1644, to further the protection and recognition of veterans’ memorials, after agreeing to the following amendment proposed thereto: **Page S4733**

Reid (for Campbell) Amendment No. 3544, in the nature of a substitute. **Page S4733**

**Small Business Paperwork Relief:** Committee on Governmental Affairs was discharged from further consideration of H.R. 327, to amend chapter 35 of title 44, United States Code, for the purpose of facilitating compliance by small business concerns with certain Federal paperwork requirements and to establish a task force to examine information collection and dissemination, and the Senate then passed the bill, after agreeing to the following amendments proposed thereto: **Pages S4733–37**

Reid (for Voinovich) Amendment No. 3545, in the nature of a substitute. **Page S4734**

Reid (for Voinovich/Lieberman) Amendment No. 3546, to amend the title. **Page S4734**

**Andean Trade Preference Expansion Act:** Senate continued consideration of H.R. 3009, to extend the Andean Trade Preference Act, and to grant additional trade benefits under that Act, taking action on the following amendments proposed thereto: **Pages S4662–85, S4688–94**

#### Adopted:

Grassley Modified Amendment No. 3474 (to Amendment No. 3446), to express the sense of the Senate regarding the United States-Russian Federation summit meeting, May 2002.

**Pages S4662, S4679–81, S4682, S4684–85**

Brownback Amendment No. 3446 (to Amendment No. 3401), to extend permanent normal trade relations to the nations of Central Asia and the South Caucasus, and Russia. **Pages S4662, S4682**

Levin/Voinovich Amendment No. 3543 (to Amendment No. 3401), to amend the provisions relating to Trade Negotiating Objectives with respect to motor vehicle exports. **Pages S4691–92**

## Rejected:

Nelson (FL)/Graham Amendment No. 3454 (to Amendment No. 3401), to limit tariff reduction authority on certain products. (By 60 yeas to 38 nays (Vote No. 123), Senate tabled the amendment.)

**Pages S4669–76, S4678–79**

## Withdrawn:

Reid (for Bayh) Amendment No. 3445 (to Amendment No. 3401), to require the ITC to give notice of section 202 investigations to the Secretary of Labor.

**Pages S4662, S4678**

Dorgan Amendment No. 3442 (to Amendment No. 3401), to require the United States Trade Representative to identify effective trade remedies to address the unfair trade practices of the Canadian Wheat Board.

**Pages S4662, S4682–84**

Reid (for Durbin) Amendment No. 3456 (to Amendment No. 3401), to extend the temporary duty suspensions with respect to certain wool.

**Pages S4662, S4688**

Reid (for Durbin) Amendment No. 3457 (to Amendment No. 3401), to extend the temporary duty suspensions with respect to certain wool.

**Pages S4662, S4688**

Boxer/Murray Amendment No. 3431 (to Amendment No. 3401), to require the Secretary of Labor to establish a trade adjustment assistance program for certain service workers.

**Pages S4662, S4688**

Boxer Amendment No. 3432 (to Amendment No. 3401), to ensure that the United States Trade Representative considers the impact of trade agreements on women.

**Pages S4662, S4688**

## Pending:

Baucus/Grassley Amendment No. 3401, in the nature of a substitute.

**Pages S4662–85, S4688–94**

Reid (for Byrd) Amendment No. 3447 (to Amendment No. 3401), to amend the provisions relating to the Congressional Oversight Group.

**Pages S4662, S4688–90, S4692**

Reid (for Byrd) Amendment No. 3448 (to Amendment No. 3401), to clarify the procedures for procedural disapproval resolutions.

**Pages S4662, S4690–91**

Reid (for Byrd) Amendment No. 3449 (to Amendment No. 3401), to clarify the procedures for extension disapproval resolutions.

**Pages S4662, S4690–91**

Reid (for Byrd) Amendment No. 3450 (to Amendment No. 3401), to limit the application of trade authorities procedures to a single agreement resulting from DOHA.

**Page S4662**

Reid (for Byrd) Amendment No. 3451 (to Amendment No. 3401), to address disclosures by publicly traded companies of relationships with certain countries or foreign-owned corporations.

**Page S4662**

Reid (for Byrd) Amendment No. 3452 (to Amendment No. 3401), to facilitate the opening of energy markets and promote the exportation of clean energy technologies.

**Page S4662**

Reid (for Byrd) Amendment No. 3453 (to Amendment No. 3401), to require that certification of compliance with section 307 of the Tariff Act of 1930 be provided with respect to certain goods imported into the United States.

**Page S4662**

Reid (for Durbin) Amendment No. 3458 (to Amendment No. 3401), to establish and implement a steel import notification and monitoring program.

**Page S4662**

Reid (for Harkin) Amendment No. 3459 (to Amendment No. 3401), to include the prevention of the worst forms of child labor as one of the principal negotiating objectives of the United States.

**Page S4662**

Reid (for Corzine) Amendment No. 3461 (to Amendment No. 3401), to help ensure that trade agreements protect national security, social security, and other significant public services.

**Page S4662**

Reid (for Corzine) Amendment No. 3462 (to Amendment No. 3401), to strike the section dealing with border search authority for certain contraband in outbound mail.

**Page S4662**

Reid (for Hollings) Amendment No. 3463 (to Amendment No. 3401), to provide for the certification of textile and apparel workers who lose their jobs or who have lost their jobs since the start of 1999 as eligible individuals for purposes of trade adjustment assistance and health insurance benefits, and to amend the Internal Revenue Code of 1986 to prevent corporate expatriation to avoid United States income tax.

**Page S4662**

Reid (for Hollings) Amendment No. 3464 (to Amendment No. 3401), to ensure that ISAC Committees are representative of the Producing sectors of the United States Economy.

**Page S4662**

Reid (for Hollings) Amendment No. 3465 (to Amendment No. 3401), to provide that the benefits provided under any preferential tariff program, excluding the North American Free Trade Agreement, shall not apply to any product of a country that fails to comply within 30 days with a United States government request for the extradition of an individual for trial in the United States if that individual has been indicted by a Federal grand jury for a crime involving a violation of the Controlled Substances Act.

**Page S4662**

Reid (for Landrieu) Amendment No. 3470 (to Amendment No. 3401), to provide trade adjustment assistance benefits to certain maritime workers.

**Page S4662**

Reid (for Jeffords) Amendment No. 3521 (to Amendment No. 3401), to authorize appropriations

for certain staff of the United States Customs Service. **Page S4662**

Wellstone Amendment No. 3467 (to Amendment No. 3401), to protect human rights and democracy.

**Pages S4676–78, S4681–82**

Reid (for Hollings) Amendment No. 3527 (to Amendment No. 3447), to provide for the certification of textile and apparel workers who lose their jobs or who have lost their jobs since the start of 1999 as eligible individuals for purposes of trade adjustment assistance and health insurance benefits.

**Pages S4688–90**

During consideration of this measure today, Senate also took the following actions:

By 68 yeas to 29 nays (Vote No. 122), three-fifths of those Senators duly chosen and sworn having voted in the affirmative, Senate agreed to the motion to close further debate on Baucus/Grassley Amendment No. 3401, listed above.

**Page S4668**

The Chair sustained a point of order against Reid (for Nelson (FL)/Graham) Amendment No. 3440 (to Amendment No. 3401), to limit tariff reduction authority on certain products, as amending the bill in two places, and thus being out of order on its face, and the amendment thus fell.

**Page S4662**

The Chair sustained a point of order against Reid (for Reed) Amendment No. 3443 (to Amendment No. 3401), to restore the provisions relating to secondary workers, as being not properly drafted, and thus being out of order on its face, and the amendment thus fell.

**Pages S4662, S4682, S4688**

A unanimous-consent agreement was reached providing for further consideration of the bill at 10:30 a.m., on Thursday, May 23, 2002, with a vote on the motion to close further debate on the bill.

**Page S4737**

## Appointment:

**National Skill Standards Board:** The Chair, on behalf of the President pro tempore, pursuant to P.L. 103–227, reappointed the following individuals to the National Skill Standards Board: Earline N. Ashley, of Mississippi, Representative of Human Resources; and Ronald K. Robinson, of Mississippi, Representative of Labor.

**Page S4733**

**Authority for Committees:** All committees were authorized to file legislative and executive reports during the adjournment of the Senate on Wednesday, May 29, from 11 a.m. to 1:00 p.m.

**Page S4733**

**Nominations Received:** Senate received the following nominations:

Tony P. Hall, of Ohio, for the rank of Ambassador during his tenure of service as United States Representative to the United Nations Agencies for Food and Agriculture.

Jay S. Bybee, of Nevada, to be United States Circuit Judge for the Ninth Circuit.

Timothy J. Corrigan, of Florida, to be United States District Judge for the Middle District of Florida.

James C. Dever III, of North Carolina, to be United States District Judge for the Eastern District of North Carolina.

1 Navy nomination in the rank of admiral.

Routine lists in the Army, Marine Corps, Navy.

**Pages S4737–39**

## Messages From the House:

**Page S4700**

## Measures Referred:

**Pages S4700–01**

## Measures Read First Time:

**Page S4701**

## Executive Communications:

**Page S4701**

## Executive Reports of Committees:

**Page S4702**

## Additional Cosponsors:

**Pages S4703–05**

## Statements on Introduced Bills/Resolutions:

**Pages S4705–47**

## Additional Statements:

**Pages S4698–S4700**

## Amendments Submitted:

**Pages S4727–32**

## Authority for Committees to Meet: **Pages S4732–33**

**Record Votes:** Two record votes were taken today. (Total—123)

**Pages S4668, S4679**

**Adjournment:** Senate met at 9:30 a.m., and adjourned at 9:19 p.m., until 9:30 a.m., on Thursday, May 23, 2002.

## Committee Meetings

(Committees not listed did not meet)

## BUSINESS MEETING: SUPPLEMENTAL APPROPRIATIONS

**Committee on Appropriations:** Committee ordered favorably reported an original bill (S. 2551) making supplemental appropriations for further recovery from and response to terrorist attacks on the United States for the fiscal year ending September 30, 2002.

## PARKINSON'S DISEASE

**Committee on Appropriations:** Subcommittee on Labor, Health and Human Services, and Education concluded hearings to examine issues with regard to Parkinson's disease research, after receiving testimony from Audrey S. Penn, Acting Director, National Institute of Neurological Disorders and Stroke, National Institutes of Health, Department of Health and Human Services; Ole Isacson, Harvard Medical School Center on Neuroregeneration Research/McLean Hospital, Boston, Massachusetts; Joan Samuelson, Parkinson's Action Network, Alexandria,

Virginia; Michael J. Fox, Michael J. Fox Foundation for Parkinson's Research, New York, New York; Muhammad Ali, Berrien Springs, Michigan; and Don Schneider, Clinton, Iowa.

### BROADBAND DEPLOYMENT

*Committee on Commerce, Science, and Transportation:* Committee concluded hearings to examine the promotion of local telecommunication competition and greater broadband deployment, focusing on consumer protection, and the effects on residents and businesses, after receiving testimony from Representatives Markey and Cannon; Pennsylvania State Senator Mary Jo White, Franklin; Loretta M. Lynch, California Public Utilities Commission, San Francisco; Robert B. Nelson, Michigan Public Service Commission, Lansing, on behalf of the National Association of Regulatory Utility Commissioners; and Paul B. Vasington, Massachusetts Department of Telecommunications and Energy, Boston.

### BOXING REGULATION

*Committee on Commerce, Science, and Transportation:* Subcommittee on Consumer Affairs, Foreign Commerce, and Tourism concluded hearings to examine the state of boxing and boxing regulations, focusing on future authority for a Federal boxing commission, liability insurance coverage for boxers, and mandatory safety measures, after receiving testimony from Senator Reid; Tim Lueckenhoff, Missouri Office of Athletics, Jefferson City, on behalf of the Association of Boxing Commissions; Muhammad Ali and Yolanda Ali, Greatest of All Time, Inc., both of Berrien Springs, Michigan; Emanuel Steward, Kronk Boxing Team, Detroit, Michigan; Louis J. DiBella, DiBella Entertainment, New York, New York; Roy Jones, Jr., Pensacola, Florida; and Bert R. Sugar, Chappaqua, New York.

### NATIONAL SCIENCE FOUNDATION

*Committee on Commerce, Science, and Transportation:* Subcommittee on Science, Technology, and Space concluded hearings to examine activities of the National Science Foundation, focusing on the Federal research and development budget to enhance homeland security, promote long term economic growth, and harness informational technology, after receiving testimony from former Representative Newt Gingrich, The Gingrich Group, Atlanta, Georgia; John H. Marburger III, Director, Office of Science and Technology Policy; Rita R. Colwell, Director, National Science Foundation; John D. Podesta, Georgetown University Law Center, former White House Chief of Staff, and Alan I. Leshner, American Association for the Advancement of Science, both of Washington, D.C.; Thomas McCoy, Montana State University Department of Plant Science, Bozeman, on behalf of the

Experimental Program to Stimulate Competitive Research (EPSCoR); and Marsha R. Torr, Virginia Commonwealth University, Richmond.

### YUCCA MOUNTAIN REPOSITORY DEVELOPMENT

*Committee on Energy and Natural Resources:* Committee resumed hearings on S.J. Res. 34, approving the site at Yucca Mountain, Nevada, for the development of a repository for the disposal of high-level radioactive waste and spent nuclear fuel, pursuant to the Nuclear Waste Policy Act of 1982, and a related Administration proposal recommending the Yucca Mountain site for development of a repository, and the objections of the Governor of Nevada to the Administration's recommendation, receiving testimony from Victor Gilinsky, Glen Echo, Maryland, former Commissioner of the U.S. Nuclear Regulatory Commission; Robert J. Halstead, Nevada Agency for Nuclear Projects, Carson City; Mayor Ross C. Anderson, and Stephen M. Prescott, University of Utah Huntsman Cancer Institute, both of Salt Lake City; James D. Ballard, Grand Valley State University School of Criminal Justice, Grand Rapids, Michigan; and Michael J. Ervin, Sr., Pomona Police Department, Pomona, California, on behalf of the Peace Officers Research Association of California.

Hearings continue tomorrow.

### BUSINESS MEETING

*Committee on Governmental Affairs:* Committee ordered favorably reported the following business items:

S. 2452, to establish the Department of National Homeland Security and the National Office for Combating Terrorism, with amendments;

S. 2530, to amend the Inspector General Act of 1978 (5 U.S.C. App.) to establish police powers for certain Inspector General agents engaged in official duties and provide an oversight mechanism for the exercise of those powers;

S. 1713, to amend title 39, United States Code, to direct the Postal Service to adhere to an equitable tender policy in selecting air carriers of non-priority bypass mail to certain points in the State of Alaska, with an amendment in the nature of a substitute;

S. 1970, to designate the facility of the United States Postal Service located at 2829 Commercial Way in Rock Springs, Wyoming, as the "Teno Roncalio Post Office Building";

H.R. 3789, to designate the facility of the United States Postal Service located at 2829 Commercial Way in Rock Springs, Wyoming, as the "Teno Roncalio Post Office Building";

S. 1983, to designate the facility of the United States Postal Service located at 201 Main Street, Lake Placid, New York, as the "John A. 'Jack' Shea Post Office Building";



S. 2217, to designate the facility of the United States Postal Service located at 3101 West Sunflower Avenue in Santa Ana, California, as the "Hector G. Godinez Post Office Building";

H.R. 1366, to designate the United States Post Office building located at 3101 West Sunflower Avenue in Santa Ana, California, as the "Hector G. Godinez Post Office Building";

S. 2433, to designate the facility of the United States Postal Service located at 1590 East Joyce Boulevard in Fayetteville, Arkansas, as the "Clarence B. Craft Post Office Building";

H.R. 4486, to designate the facility of the United States Postal Service located at 1590 East Joyce Boulevard in Fayetteville, Arkansas, as the "Clarence B. Craft Post Office Building";

H.R. 1374, to designate the facility of the United States Postal Service located at 600 Calumet Street in Lake Linden, Michigan, as the "Philip E. Ruppe Post Office Building";

H.R. 3960, to designate the facility of the United States Postal Service located at 3719 Highway 4 in Jay, Florida, as the "Joseph W. Westmoreland Post Office Building"; and

The nominations of Todd Walther Dillard, of Maryland, to be United States Marshal for the Superior Court of the District of Columbia; Paul A. Quander, Jr., to be Director of the District of Columbia Offender Supervision, Defender, and Courts Services Agency, and Robert R. Rigsby, to be an Associate Judge of the Superior Court of the District of Columbia.

Also, committee approved the issuance of subpoenas to the Executive Office of the President and the Office of the Vice President in connection with the Committee's investigation regarding Enron Corporation.

#### INDIAN LAND CONSOLIDATION ACT

*Committee on Indian Affairs:* Committee concluded hearings on S. 1340, to amend the Indian Land Con-

solidation Act to provide for probate reform with respect to trust or restricted lands, after receiving testimony from Neal A. McCaleb, Assistant Secretary of the Interior for Indian Affairs; Tex G. Hall, Three Affiliated Tribes Business Council, New Town, North Dakota, on behalf of the National Congress of American Indians; Maurice Lyons, Morongo Band of Mission Indians, Banning, California; Benjamin Speakthunder, Fort Belknap Community Council, Harlem, Montana; and Austin Nunez, Tucson, Arizona, on behalf of the Indian Land Working Group.

#### FEDERAL COCAINE SENTENCING POLICY

*Committee on the Judiciary:* Subcommittee on Crime and Drugs concluded hearings to examine laws governing Federal cocaine sentencing, focusing on the disparity between penalties for both powder cocaine and crack cocaine, after receiving testimony from Diana E. Murphy, Judge, Eighth Circuit Court of Appeals, on behalf of the United States Sentencing Commission; Roscoe C. Howard, Jr., United States Attorney for the District of Columbia, Department of Justice; Charles J. Hynes, Kings County District Attorney, Brooklyn, New York; Charles R. Schuster, Wayne State University School of Medicine, Detroit, Michigan, former Director, National Institute on Drug Abuse, National Institutes of Health, Department of Health and Human Services; and William G. Otis, George Mason University School of Law, Arlington, Virginia, former White House Special Counsel and former Assistant United States Attorney for the Eastern District of Virginia.

#### INTELLIGENCE

*Select Committee on Intelligence:* Committee held closed hearings on intelligence matters, receiving testimony from officials of the intelligence community.

Committee recessed subject to call.

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## House of Representatives

### *Chamber Action*

**Measures Introduced:** 40 public bills, H.R. 4789–4828; 1 private bill, H.R. 4829; and 3 resolutions, H.J. Res. 94; H. Con. Res. 408, and H. Res. 429, were introduced.

**Pages H2943–44, H2945**

**Reports Filed:** No reports were filed today.

**Speaker Pro Tempore:** Read a letter from the Speaker wherein he appointed Representative Dan Miller of Florida to act as Speaker pro tempore for today.

**Page H2835**

**Guest Chaplain:** The prayer was offered by the guest Chaplain, Father Val J. Peter, Executive Director, Girls and Boys Town, Boys Town, Nebraska.

**Page H2835**

**Journal:** Agreed to the Speaker's approval of the Journal of Tuesday, May 21 by a recorded vote of 361 ayes to 57 noes, Roll No. 187.

**Pages H2835, H2842**

**Bioterrorism Preparedness Act:** The House agreed to the conference report on H.R. 3448, to improve the ability of the United States to prevent, prepare for, and respond to bioterrorism and other public health emergencies by a ye-and-nay vote of 425 yeas to 1 nays, Roll No. 189.

**Pages H2844-60**

H. Res. 427, the rule that waived points of order against the conference report was agreed to by a ye-and-nay vote of 403 yeas to 19 nays, Roll No. 186.

**Pages H2838-42**

**Suspensions:** The House agreed to suspend the rules and pass the following measures that were debated on Tuesday, May 22.

**Federal Deposit Insurance Reform:** H.R. 3717, amended, to reform the Federal deposit insurance system (agreed to by a 2/3 ye-and-nay vote of 408 yeas to 18 nays), Roll No. 190; and

**Page H2860**

**Tribute to Ground Zero Rescue, Recovery, and Clean-up Workers:** H. Res. 424, paying tribute to the workers in New York City for their rescue, recovery, and clean-up efforts at the site of the World Trade Center (agreed to by a 2/3 ye-and-nay vote of 416 yeas with none voting "nay"), Roll No. 191.

**Pages H2860-61**

**Customs Border Security Act:** The House passed H.R. 3129, to authorize appropriations for fiscal years 2002 and 2003 for the United States Customs Service for antiterrorism, drug interdiction, and other operations, for the Office of the United States Trade Representative, for the United States International Trade Commission by a recorded vote of 327 yeas to 101 noes, Roll No. 193. Agreed to amend the title so as to read: A bill to authorize appropriations for fiscal years 2002 through 2004 for the United States Customs Service for antiterrorism, drug interdiction, and other operations, for the Office of the United States Trade Representative, for the United States International Trade Commission, and for other purposes."

**Pages H2861-91**

Pursuant to the rule, the Committee on Ways and Means amendment in the nature of a substitute now printed in the bill (H. Rept. 107-320) was considered as an original bill for the purpose of amendment.

**Page H2869**

Agreed to the Crane amendment in the nature of a substitute no. 1 and printed in H. Rept. 107-482 that increases agency authorization funding levels including earmark for resources at Northern Border at Section 13; deletes Sections 121 through 125 concerning customs officer pay changes; changes cus-

toms fees for couriers to a fixed fee structure; provides monthly billing to importers and prohibits duty deferrals; clarifies that the advanced electronic manifest requirement applies only to inbound cargo and; requires sharing of information collected by customs to other government agencies.

**Pages H2873-78**

Rejected the Waters amendment in the nature of a substitute no. 2 and printed in H. Rept. 107-482 that amends Section 141 and states that Customs inspectors are not liable for civil damages for suits brought in connection with a personal search and deletes section 144 on border search authority for outbound mail by a recorded vote of 197 yeas to 231 noes, Roll No. 192.

**Pages H2878-90**

H. Res. 426, the rule that provided for consideration of the bill was agreed to by a ye-and-nay vote of 386 yeas to 32 nays, Roll No. 188.

**Pages H2842-44**

**Supplemental Appropriations:** The House completed general debate and began considering amendments under the five-minute rule on H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002. Consideration of the bill will resume on Thursday, May 23.

**Pages H2902-26**

Pursuant to the rule the amendments printed in H. Rept. 107-484 that provide statutory assurance that the United States Government will take all steps necessary to guarantee the full faith and credit of the Government; provide for Medicare reimbursement adjustments, clarifies fabric origin requirements for regional trade preference agreements, and ensures that the conference can permit the Postal Service to continue to use the bypass mail system in Alaska on mainline routes and in the Alaskan bush country were considered as adopted.

A point of order was sustained against Section 101, page 4, lines 17-23.

**Page H2914**

Rejected the Obey motion to rise by a recorded vote of 134 yeas to 250 noes, Roll No. 196.

**Pages H2914-15**

H. Res. 428, the rule that provided for consideration of the bill was agreed to by a ye-and-nay vote of 216 yeas to 9 nays with 3 voting "present", Roll No. 194.

**Pages H2891-H2902**

**Motion to Adjourn:** Rejected the Obey motion to adjourn by a recorded vote of 94 yeas to 300 noes, Roll No. 195.

**Page H2902**

**Amendments:** Amendments ordered printed pursuant to the rule appear on page H2946.

**Senate Messages:** Message received from the Senate today appears on page H2835.

**Referral:** S. Con. Res. 115 was referred to the Committee on Education and the Workforce.

**Page H2941**

**Quorum Calls—Votes:** Six yea-and-nay votes and five recorded votes developed during the proceedings of the House today and appear on pages H2841–42, H2842, H2844, H2859–60, H2860, H2860–61, H2890, H2891, H2901–02, H2902, H2914–15. There were no quorum calls.

**Adjournment:** The House met at 10 a.m. and adjourned at 11:40 p.m.

## Committee Meetings

### EU'S FINANCIAL SERVICES ACTION PLAN—AMERICAN FINANCIAL SERVICES INDUSTRY IMPLICATIONS

*Committee on Financial Services:* Held a hearing on European Union's Financial Services Action Plan and its implications for the American financial services industry. Testimony was heard from Mark W. Olson, member, Board of Governors, Federal Reserve System; Randy K. Quarles, Assistant Secretary, International Affairs, Department of the Treasury; Annette Nazareth, Director, Division, Market Regulation, SEC; and public witnesses.

### INTERNATIONAL ADOPTIONS

*Committee on International Relations:* Held a hearing on International Adoptions: Problems and Solution. Testimony was heard from James W. Ziglar, Commissioner, INS, Department of Justice; Mary Ryan, Assistant Secretary, Consular Affairs, Department of State; and public witnesses.

### FUTURE—U.S.-SAUDI RELATIONS

*Committee on International Relations:* Subcommittee on the Middle East and South Asia held a hearing on the Future of U.S.-Saudi Relations. Testimony was heard from Representative Frank; R. James Woolsey, former Director, CIA; Richard W. Murphy, former U.S. Ambassador to Saudi Arabia; and public witnesses.

### OVERSIGHT—WHOIS DATABASE

*Committee on the Judiciary:* Subcommittee on Courts, the Internet, and Intellectual Property held an oversight hearing on "The Accuracy and Integrity of the WHOIS DATABASE." Testimony was heard from J. Howard Beales III, Director, FTC; and public witnesses.

### MISCELLANEOUS MEASURES

*Committee on Resources:* Ordered reported the following measures: H. Con. Res. 352, amended, expressing the sense of Congress that Federal land management agencies should fully implement the Western Governors Association "Collaborative 10-year Strategy for Reducing Wildland Fire Risks to Communities and the Environment" to reduce the overabundance

of forest fuels that place national resources at high risk of catastrophic wildfire, and prepare a National Prescribed Fire Strategy that minimizes risks of escape; H. Con. Res. 395, amended, celebrating the 50th anniversary of the constitution of the Commonwealth of Puerto Rico; H.R. 521, amended, to amend the Organic Act of Guam for the purposes of clarifying the local judicial structure of Guam; H.R. 1606, amended, to amend section 507 of the Omnibus Parks and Public Lands Management Act of 1996 to authorize additional appropriations for historically black colleges and universities, to decrease the matching requirement related to such appropriations; H.R. 2388, amended, National Heritage Areas Policy Act of 2001; H.R. 2982, amended, to authorize the establishment of a memorial within the area in the District of Columbia referred to in the Commemorative Works Act as "Area I" or "Area II" to the victims of terrorist attacks on the United States, to provide for the design and construction of such a memorial; H.R. 3307, Vicksburg National Military Park Boundary Modification Act; H.R. 3380, to authorize the Secretary of the Interior to issue right-of-way permits for natural gas pipelines within the boundary of Great Smoky Mountains National Park; H.R. 3558, amended, Species Protection and Conservation of the Environment Act; H.R. 3786, amended, Glen Canyon National Recreation Area Boundary Revision Act of 2002; H.R. 3858, New River Gorge Boundary Act of 2002; H.R. 3936, amended, to designate and provide for the management of the Shoshone National Recreation Trail; H.R. 3942, John Muir National Historic Site Boundary Adjustment Act; H.R. 4103, amended, Martin's Cove Land Transfer Act; H.R. 4129, amended, to amend the Central Utah Project Completion Act to clarify the responsibilities of the Secretary of the Interior with respect to the Central Utah Project, to redirect unexpended budget authority for the Central Utah Project for wastewater treatment and reuse and other purposes, to provide for prepayment of repayment contracts for municipal and industrial water delivery facilities, and to eliminate a deadline for such prepayment; and H.R. 4609, to direct the Secretary of the Interior to conduct a comprehensive study of the Rathdrum Prairie/Spokane Valley Aquifer, located in Idaho and Washington.

### MISCELLANEOUS MEASURES

*Committee on Resources:* Subcommittee on Water and Power held a hearing on the following bills: H.R. 3561, Twenty-First Century Water Policy Commission Establishment Act; and H.R. 4638, to reauthorize the Mni Wiconi Rural Water Supply Project. Testimony was heard from Representatives Linder

and Thune; John W. Keys, Commissioner, Bureau of Reclamation, Department of the Interior; Betsy A. Cody, Section Head, Natural Resources and Earth Sciences and Specialist in Natural Resources Policy, Congressional Research Services, Library of Congress; and public witnesses.

### MISCELLANEOUS MEASURES

*Committee on Science:* Ordered reported, as amended, the following bills: H.R. 4664, Investing in America's Future Act of 2002; H.R. 3130, Technology Talent Act of 2001; H.R. 4687, National Construction Safety Team Act; H.R. 2486, Inland Flood Forecasting and Warning Act of 2001; and H.R. 2733, Enterprise Integration Act of 2001.

### MISCELLANEOUS MEASURES

*Committee on Transportation and Infrastructure:* Ordered reported the following: H.R. 3429, Over-the-Road Bus Security and Safety Act of 2001; H.R. 3609, amended, Pipeline Infrastructure Protection To Enhance Security and Safety Act; and H.R. 4770, amended, Ronald C. Sheffield Federal Property Protection Act of 2002.

The Committee also approved the following: several public building 11 (b) resolutions; and Army Corps of Engineers Survey resolutions.

## Joint Meetings

### ANTI-SEMITIC VIOLENCE

*U.S. Commission on Security and Cooperation in Europe (Helsinki Commission):* Commission concluded hearings to examine the escalation of violence against the Jewish communities in Western Europe and Russia, and certain measures to protect individuals from anti-Semitic violence, after receiving testimony from Shimon Samuels, Simon Weisenthal Center, Paris, France; Mark B. Levin, NCSJ: Advocates on behalf of Jews in Russia, Ukraine, the Baltic States and Eurasia; Alexandra Arriaga, Amnesty International, USA, and Rabbi Andrew Baker, American Jewish Committee, both of Washington, D.C.; and Kenneth Jacobson, Anti-Defamation League, New York, New York.

### AUTHORIZATION—EXPORT-IMPORT BANK

*Conferees* on Tuesday, May 21, agreed to file a conference report on the differences between the Senate and House passed versions of S. 1372, to reauthorize the Export-Import Bank of the United States.

### BANKRUPTCY REFORM ACT

*Conferees* met to resolve the differences between the Senate and House passed versions of H.R. 333, to amend title 11, United States Code, but did not complete action thereon, and recessed subject to call.

## NEW PUBLIC LAWS

(For last listing of Public Laws, see DAILY DIGEST of May 21, 2002, p. D524)

S. 378, to redesignate the Federal building located at 3348 South Kedzie Avenue, in Chicago, Illinois, as the "Paul Simon Chicago Job Corps Center". Signed on May 21, 2002. (Public Law 107-182)

## COMMITTEE MEETINGS FOR THURSDAY, MAY 23, 2002

(Committee meetings are open unless otherwise indicated)

### Senate

*Special Committee on Aging:* to hold hearings to examine challenges women face concerning retirement and security, 9:30 a.m., SD-628.

*Committee on Agriculture, Nutrition, and Forestry:* to hold hearings to examine disaster assistance issues, 3 p.m., SD-106.

*Committee on Banking, Housing, and Urban Affairs:* Subcommittee on Financial Institutions, to hold oversight hearings to examine banking and financial holding company engagement in real estate brokerage and property management, 10 a.m., SD-538.

*Committee on Energy and Natural Resources:* to continue hearings on S.J. Res. 34, approving the site at Yucca Mountain, Nevada, for the development of a repository for the disposal of high-level radioactive waste and spent nuclear fuel, pursuant to the Nuclear Waste Policy Act of 1982, 9:30 a.m., SH-216.

*Committee on Foreign Relations:* business meeting to consider two optional protocols to the Convention on the Rights of the Child, both of which were adopted at New York, May 25, 2000: (1) The Optional Protocol to the Convention on the Rights of the Child on Involvement of Children in Armed Conflict; and (2) The Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography, signed on July 5, 2000 (Treaty Doc. 106-37); S. 2487, to provide for global pathogen surveillance and response; S. Res. 182, expressing the sense of the Senate that the United States should allocate significantly more resources to combat global poverty; S. Res. 252, expressing the sense of the Senate regarding human rights violations in Tibet, the Panchen Lama, and the need for dialogue between the Chinese leadership and the Dalai Lama or his representatives; S. Res. 263, congratulating the Republic of Croatia on the 10th anniversary of its recognition by the United States; S. Con. Res. 109, commemorating the independence of East Timor and expressing the sense of Congress that the President should establish diplomatic relations with East Timor; the nomination of David A. Gross, of Maryland, for the rank of Ambassador during his tenure of service as Deputy Assistant Secretary of State for International Communications and Information Policy in the Bureau of Economic and Business Affairs and U.S. Coordinator for International Communications and Information Policy; the nomination of Jack C. Chow, of Pennsylvania, for the

rank of Ambassador during his tenure of service as Special Representative of the Secretary of State for HIV/AIDS; and a foreign service officer promotion list, 2:15 p.m., SD-419.

*Committee on Governmental Affairs:* to hold hearings to examine voting representation in Congress for the citizens of the District of Columbia, 2:30 p.m., SD-342.

*Committee on Health, Education, Labor, and Pensions:* to hold hearings to examine equal opportunity in American schools, 9:30 a.m., SD-430.

*Committee on the Judiciary:* business meeting to consider S. 1868, to establish a national center on volunteer and provider screening to reduce sexual and other abuse of children, the elderly, and individuals with disabilities; S. 1956, to combat terrorism and defend the Nation against terrorist attacks; S. 1989, to authorize the establishment of a National Cyber Security Defense Team for purposes of protecting the infrastructure of the Internet from terrorist attack; the nomination of D. Brooks Smith, of Pennsylvania, to be United States Circuit Judge for the Third Circuit; the nomination of Roslynn R. Mauskopf, to be United States Attorney for the Eastern District of New York; the nomination of Steven D. Deatherage, to be United States Marshal for the Central District of Illinois; the nomination of Thomas M. Fitzgerald, to be United States Marshal for the Western District of Pennsylvania; the nomination of G. Wayne Pike, to be United States Marshal for the Western District of Virginia; and the nomination of David William Thomas, to be United States Marshal for the District of Delaware, 10 a.m., SD-226.

Full Committee, to hold hearings to examine pending judicial nominations, 2 p.m., SD-226.

## House

*Committee on Armed Services,* Special Oversight Panel on Terrorism, hearing on assessing support for terrorism in the Middle East, 9:15 a.m., 2212 Rayburn.

*Committee on Energy and Commerce,* Subcommittee on Commerce, Trade and Consumer Protection, hearing on H.R. 3321, American Travel Promotion Act of 2001, 9:30 a.m., 2123 Rayburn.

Subcommittee on Oversight and Investigations, hearing entitled "Assessing America's Health Risks: How Well Are Medicare's Clinical Preventive Benefits Serving America's Seniors? How Will the Next Generation of Preventive Medical Treatments be Incorporated and Promoted in the Health Care System?" 10 a.m., 2322 Rayburn.

*Committee on Financial Services,* Subcommittee on Oversight and Investigations, hearing entitled "One Broker Gone Bad: Punishing the Criminal, Making Victims Whole," 9:30 a.m., 2128 Rayburn.

*Committee on Resources,* Subcommittee on Fisheries Conservation, Wildlife and Oceans, to mark up H.R. 4749, Magnuson-Stevens Amendments of 2002; followed by an oversight hearing on the use of Marine Protected Areas (MPAs) as a fisheries management tool, 10 a.m., 1334 Longworth.

*Permanent Select Committee on Intelligence,* Subcommittee on Human Intelligence, Analysis and Counterintelligence and the Subcommittee on Technical and Tactical Intelligence, executive, joint hearing on J-2 Issues, 10 a.m., H-405 Capitol.

*Next Meeting of the SENATE*

9:30 a.m., Thursday, May 23

*Next Meeting of the HOUSE OF REPRESENTATIVES*

10 a.m., Thursday, May 23

## Senate Chamber

**Program for Thursday:** After the transaction of any morning business (not to extend beyond 10:30 a.m.), Senate will continue consideration of H.R. 3009, Andean Trade Preference Expansion Act, with a vote on the motion to close further debate on the bill to occur thereon.

## House Chamber

**Program for Thursday:** Continued consideration of H.R. 4775, Supplemental Appropriations for Fiscal Year 2002 (open rule, one hour of general debate).

## Extensions of Remarks, as inserted in this issue

## HOUSE

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 Becerra, Xavier, Calif., E883  
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